

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 22578 of 2011 (V)

PETITIONERS :

1. V.S.BABURAJ, VALIAPARAMBIL,
P.O.MANALLOOR, TRICHUR-680 617.

2. K.M.MAJEED, KOOTTUNGAL HOUSE,
PORKULAM P.O., TRICHUR-680 542.

BY ADVS.SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS :

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
CIVIL STATION, TRICHUR-3.

2. THE PROJECT OFFICER, KHADI AND VILLAGE INDUSTRIES,
PALACE ROAD, TRICHUR-20.

3. THE RETURNING OFFICER,
DISTRICT KHADI INDUSTRIES OFFICE, TRICHUR-20.

4. THE ADMINISTRATOR,
TRICHUR DISTRICT BEE-KEEPERS CO-OPERATIVE SOCIETIES LTD.NO.411,
SAHITHYA ACADEMY ROAD, TRICHUR-20.

R2 & 3 BY SRI.R.S.HARI KUMAR ,SC,KERALA KHADI & VILLAGE INDUSTRIES

R2-R3 BY SRI.TOM K.THOMAS, SC KERALA KHADI & VILLAGE INDUSTRIES

R4 BY SRI.K.P.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22578 of 2011 (V)

APPENDIX

PETITIONERS' EXHIBITS :-

- EXT.P1 : COPY OF THE LETTER NO.1560/11/Co.DTD.12.7.2011 FROM THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXT.P2 : COPY OF THE NOTIFICATION DTD.8.7.2011 OF THE 3RD RESPONDENT.
- EXT.P3 : COPY OF THE LETTER NO.CP(1)30056/91 DTD.21.8.91 FROM THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXT.P4 : COPY OF THE REPRESENTATION DTD.14.7.2011 SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.22578 of 2011

Dated this the 29th day of September, 2015

JUDGMENT

The petitioners, who are members of the Trichur District Bee-keepers Co-operative Society, have filed this Writ Petition seeking a writ of certiorari to quash Ext.P2 notification and seeking various reliefs including a declaration that the appointment of the 3rd respondent as Returning Officer of the Society is illegal and not in accordance with the rules.

2. On 20.8.2011 this Court passed the following order:-

"3. The main contention raised in the writ petition is that Ext.P2 election notification was published only in the Kerala Kaumudi daily dated 13.7.2011, that it was not published in two vernacular dailies as required under rule 35(3)(a) of the Kerala Co-operative Societies Rules and therefore, the election proposed to be held on 23.8.2011 is liable to be stayed. The learned Government Pleader appearing for the first respondent and the learned standing counsel appearing for respondents 2 and 3 submitted on instructions that the election notification was published only in one vernacular daily and not in two dailies as stipulated in rule 35(3)(a) of the Rules. The learned standing counsel also submitted that the intimation regarding election was not served in person on the members or sent

under certificate of posting. In such circumstances as the intimation regarding the election was not duly given or published in the manner prescribed in the rules, I am of the opinion that the election scheduled to be held on 23.8.2011 is liable to be stayed.

There will accordingly be an interim order staying the election scheduled to be held on 23.8.2011. It is however, clarified that neither this order nor the pendency of the writ petition will stand in the way of the Returning Officer from issuing a fresh election notification in accordance with the rules."

In view of the above interim order granted by this Court, no further orders are required and the Writ Petition is disposed of in terms of the aforesaid order dated 20.8.2011.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj