

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 21809 of 2015 (A)

PETITIONER:

V.K.CHANDRAN,
EX.MLA, CHIEF PROMOTER,
PATTAMBI PRIMARY CO-OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK LTD.,
VETTIKATTUVALAPPIL, KODANADU, MEZHATHOOR P.O.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, CO-OPERTIVE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
OFFICE OF JOINT REGISTRAR, PALAKKAD - 678 001.
3. DEPUTY REGISTRAR (ADMINISTRATION,
OFFICE OF THE DEPUTY REGISTRAR,
OTTAPPALAM, PALAKKAD - 679 101.
4. THE SPEICAL OFFICER,
(ASSISTANT REGISTRAR/VALUATION OFFICER),
OTTAPPALAM PRIMARY CO-OPERATIVE AGRICULTRUAL
RURAL DEVELOPMENT BANK P. NO. 621
OTTAPPALAM - 679 101.

R1-R4 BY ADV. SRI. JOSEPH GEORGE, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 21809 of 2015 (A)

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APPENDIX

PETITIONER'S EXHIBITS :

P1 - TRUE COPY OF THE GOVERNMENT ORDER DT. 28.5.13 WITH ENGLISH TRANSLATION.

P2 - TRUE COPY OF THE APPLICATION DATED 30.5.15 SUBMITTED BY THE PETITIONER WITH ENGLISH TRANSLATION.

P3 - TRUE COPY OF THE ORDER DT. 22.6.15 WITH ENGLISH TRANSLATION.

P4 - TRUE COPY OF THE GOVERNMENT ORDER DATED 15.09.2015.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 21809 of 2015 (A)

Dated this the 15th day of December, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record.

2. In the light of the fact that a new Taluk was formed after bifurcating Ottappalam Taluk, the Ottappalam Primary Co-operative Agricultural and Rural Development Bank, by operation of law, was required to be bifurcated with a division of assets and liabilities, so that a new society could be established in the newly formed Taluk.

3. In the process of establishing a new Primary Co-operative bank, many existing members claiming themselves to be the chief promoters wanted to establish the societies on their own. It has, indeed, led to certain amount of confusion and also complaints before the competent authorities. Eventually, the Government, through Ext.P4 order, set aside the orders previously passed by the Joint Registrar and directed the Special Officer to form a new society in terms of Section 28(1)(d) and (e) of the Kerala Co-operative Societies Act ('the Act' for brevity) comprising only the members of

the erstwhile society falling within the territorial limits of new Taluk. It is, thus, evident that those members can as well have the managing committee elected from among themselves after the formation of the new society.

4. The learned counsel for the petitioner has submitted that recently on 18.11.2015, the Special Officer convened a General Body meeting of the members belonging to the territorial area of the new Taluk and initiated further proceedings. According to the learned counsel, now the proceedings are taken up in the right direction. The learned Special Government Pleader has also assured that the authorities will be abiding by Section 28(1)(d) and (e) of the Act in establishing the new society.

In the facts and circumstances, I do not see any further issue to be adjudicated upon. Accordingly, this Court closes the writ petition with an observation that the Special Officer may expedite the process of formation of the new society.

sd/- DAMA SESHADRI NAIDU, JUDGE.

