

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 22685 of 2015 (I)

PETITIONER : -

K.SREEVALSAN, S/O.KRISHNAN,
CHIEF PROMOTER,
PROPOSED KOTTAKKAMCO-OPERATIVE SOCIETY,
THIRUVANANTHAPURAM, RESIDING ATT.C. NO.43/1088,
V.N.R.A - 26, P.O.MANAKKAD, THIRUVANANTHAPURAM.

BY ADVS.SRI.B.S.SWATHY KUMAR
SMT.REMYA MURALI
SMT.T.RESHMA

RESPONDENTS : -

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
THIRUVANANTHAPURAM, PIN - 695 001.
 2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), THIRUVANANTHAPURAM PIN -695 001.

BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE ORDER NO. O. 573/15 DATED 16.6.2015 OF THE
IST RESPONDENT.
- EXT.P2 : TRUE COPY OF THE PAYIN-SLIP DATED 17.6.2015.
- EXT.P3 : TRUE COPY OF THE LETTER DATED 17.6.2015 SUBMITTED BY THE
PETITIONER BEFORE THE IST RESPONDENT AND ENGLISH
TRANSLATION.
- EXT.P4 : TRUE COPY OF THE LETTER DATED 18.6.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT AND ENGLISH
TRANSLATION.
- EXT.P5 : TRUE COPY OF THE ORDER NO.O. 573/15 DATED 27.6.2015 OF THE
IST RESPONDENT AND ENGLISH TRANSLATION.
- EXT.P6 : TRUE COPY OF THE ORDER NO.O. 573/15 DATED 8.7.2015 OF THE
IST RESPONDENT AND ENGLISH TRANSLATION.
- EXT.P7 : TRUE COPY OF THE COMMUNICATION NO.FT/2484/14 DATED
6.8.2014 OF THE 2ND RESPONDENT AND ENGLISH TRANSLATION.
- EXT.P8 : TRUE COPY OF THE COMMUNICATION NO.FT/1998/14 DATED
22.8.2014 OF THE 2ND RESPONDENT AND ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 22685 of 2015

Dated this the 04th day of September, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to be the Chief Promoter of a proposed Co-operative Society to be registered as "Kottakkakam Co-operative Society, Thiruvananthapuram", with an area of operation comprising 19 wards of Thiruvananthapuram Corporation. The Committee having met on 20.06.2014 decided to submit an application for registration, and accordingly it authorized the petitioner to take the necessary steps in that regard.

3. The petitioner contends that he submitted an application on 04.07.2014 to the first respondent, who in turn, having found the application to be in order, permitted the petitioner to collect share money, as is evident from Exhibit P1. Acting on Exhibit P1, the petitioner is said to have collected the share money and submitted on 17.06.2015 the original challans through Exhibit P3 before the first respondent.

4. Through Exhibit P5, dated 27.06.2015, the first respondent, however, returned the original challans to the petitioner with a further direction to route them through the second respondent. It is the specific contention of the petitioner that on 02.07.2015 itself the petitioner submitted the original challans before the second respondent, as had been directed by the first respondent.

5. Apparently, owing to the delay on the part of the second respondent in forwarding the original challans, the first respondent issued Exhibit P6 proceedings rejecting the claim of the petitioner for registering the Society, on the ground of delay. Aggrieved, the petitioner has filed the present writ petition.

6. The learned counsel for the petitioner has strenuously contended that the delay, if any, in having the original challans forwarded to the first respondent cannot be attributed to the petitioner. He has further submitted that without wasting any more time, as soon as the first respondent issued a direction that the original challans should be routed through the second respondent, the petitioner did comply with the direction.

7. The learned Government Pleader, on his part, has fairly submitted that there is not much dispute concerning the claim of the petitioner to have the Society registered. There is, at best, some technical issues which should not come in the way of having the issue resolved on merits by the authority concerned, eventually. He has, thus, conceded that the first respondent is willing to reconsider the petitioner's application on merits.

8. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader for the respondents, this Court hereby sets aside Exhibit P6, apart

from directing the first respondent to consider afresh the petitioner's claim for registration of the Society. If at all the second respondent has so far not forwarded the original challans, he shall forward them to the first respondent at the earliest.

With the above observations, this Court hereby disposes of the writ petition. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-