

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24080 of 2015 (H)

PETITIONERS:

M.MAHEEN ABUBACKER, S/O. MOHAMED HANEEFA,
AGED 52 YEARS, RESIDING AT SUMMAYA MANZIL,
KATTAKADA, KALLOD P.O., TRIVANDRUM DISTRICT.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENTS:

1. THE DIRECTOR OF INDUSTRIES AND COMMERCE,
OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.
2. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
WATER WORKS COMPOUND, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 003.
3. THE MANAGER, DISTRICT INDUSTRIES CENTRE,
WATER WORKS COMPOUND, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 003.
4. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT),
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OOTTUKUZH, THIRUVANANTHAPURAM - 695 001.
5. THE STATE CO-OPERATIVE ELECTION COMMISSION,
CO-OPERATIVE BANK TOWERS, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033, REPRESENTED BY ITS SECRETARY.
6. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
INDUSTRIES DEPARTMENT, THIRUVANANTHAPURAM - 695 001.
7. TRIVANDRUM DISTRICT MINI INDUSTRIAL ESTATE
CO-OPERATIVE SOCIETY LTD.,
DISTRICT INDUSTRIES CENTRE, WATER WORKS COMPOUND,
TRIVANDRUM, REPRESENTED BY ITS AUTHORISED SIGNATORY - 695 001.

R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE APPLICATION UNDER SECTION 33 OF THE CO-OPERATIVE SOCIETIES ACT SUBMITTED BY THE PETITIONER AND 3 OTHERS DATED 05.08.2015 BEFORE THE FIRST RESPONDENT.
- EXT.P2 : TRUE COPY OF THE JUDGMENT DATED 24.07.2015 PASSED BY THE HON'BLE HIGH COURT IN W.P.(C) NO. 22397 OF 2015.
- EXT.P3 : TRUE COPY OF THE JUDGMENT DATED 03.07.2015 PASSED BY THE HON'BLE HIGH COURT OF KERALA IN W.P.(C) NO. 18752 OF 2015.
- EXT.P4 : TRUE COPY OF THE RELEVANT EXTRACT OF NOTIFICATION NO.13364/A1/ID DATED 10.07.1969.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 24080 of 2015 (H)

Dated this the 12th day of August, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 6, apart from perusing the record. None appears for the 7th respondent society, despite service of notice.

2. The term of the present managing committee of the 7th respondent society came to an end by 08.08.2015. The petitioner, being the Board member and Chairman of the outgoing managing committee of the respondent society, submitted Ext.P1 representation before the first respondent seeking appointment of the administrative committee in terms of Section 33 of the Kerala Co-Operative Society Act, till elections are held. Ventilating his grievance that Ext.P1 has so far not been considered by the first respondent, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner, in tune with the averments made in the writ petition, has submitted that the petitioner along with three more persons has filed Ext.P1

representation, and that the petitioner has only the bona fide intention of ensuring that there is proper management in place till the elections are held. According to the learned counsel, it is incumbent on the part of the first respondent to consider Ext.P1 representation expeditiously.

4. The learned Government Pleader has submitted that the first respondent does not have any objection to consider Ext.P1 representation of the petitioner in accordance with law, expeditiously.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the petitioner's Ext.P1 representation in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

