

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 24328 of 2015 (M)

PETITIONER:

PERAVOOR CO-OPERATIVE URBAN BANK LIMITED NO. C.338,
PERAVOOR POST-670 673, KANNUR DISTRICT,
REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL),
KANNUR-670 001.
3. THE KANNUR CO-OPERATIVE URBAN BANK LTD.NO.1534,
KANNUR-670 004-REPRESENTED BY ITS SECRETARY.

R3 BY ADV. SRI.L.RAJESH NARAYAN
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 24328 of 2015 (M)

: 2 :

APPENDIX

PETITIONER'S' EXHIBITS :

P1 TRUE COPY OF THE RELEVANT PAGE OF THE BYE LAW AMENDMENT
REGISTERED ON 17.7.2000.

P2 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BANK BEFORE THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 24328 of 2015 (M)

Dated this the 26th day of October, 2015.

JUDGMENT

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

2. The third respondent initially proposed to have an amendment to its bye-laws for expanding its area of operation. When it was rejected by the second respondent, it filed a statutory appeal before the first respondent.

3. While the statutory appeal is pending, the petitioner, another Co-Operative Urban Bank filed the present writ petition complaining that the area the third respondent has sought to expand its activities into falls within its jurisdiction of the petitioner and that any decision by the appellate authority in the appeal filed by the third respondent without hearing the petitioner shall be detrimental to its interest.

4. Today, at the Bar, the learned counsel for the third respondent has submitted that the 3rd respondent has received a

notice from the first respondent to the effect that the hearing would take place on 12.11.2015. According to him, this Court may dispose of the writ petition by fixing a time frame for the first respondent to consider the third respondent's appeal.

5. It is an appeal filed by the third respondent. The petitioner may have a genuine grievance that any decision to be rendered by the first respondent in the statutory appeal may have an adverse impact on its business prospects. To the extent of its grievance that it should be heard before the first respondent renders an order in the statutory appeal may have an element of justification.

6. It is, however, not necessary to fix a time frame at the instance of the petitioner for the disposal of the appeal filed by the third respondent. It suffices, if it is made clear that the first respondent shall hear the petitioner at the time of its considering the statutory appeal filed by the third respondent.

With the above observation, the writ petition stands disposed of.

sd/- DAMA SESHADRI NAIDU, JUDGE.

