IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 28859 of 2009 (B)

PETITIONERS:
----

1. **KULANADA SERVICE CO-OP. BANK LTD.**
   NO. 2133, REP. BY ITS SECRETARY, KULANADA
   PATHANAMTHITTA DISTRICT.

2. **JEEVARAJ, S/O.DAS,**
   PRESIDENT, KULANADA SERVICE CO-OP. BANK LTD. NO., 2133
   REP. BY ITS SECRETARY, KULANADA
   PATHANAMTHITTA DISTRICT.

   BY ADVS.SRI. K.SHAJ
   SRI.L.RAJ MOHAN
   SRI.SAJJU.S

RESPONDENTS:
----

1. **THE JOINT REGISTRAR (GENERAL) OF**
   CO-OPERATIVE SOCIETIES, OFFICE OF THE DISTRICT REGISTRAR
   OF CO-OPERATIVE SOCIETIES, PATHANAMTHITTA.

2. **THE PATHANAMTHITTA DISTRICT CO- OPERATIVE**
   BANK, REP. BY ITS GENERAL MANAGER, PATHANAMTHITTA.

3. **THE CIRCLE CO-OPERATIVE UNION,**
   REP. BY ITS SECRETARY, KOZHENCHERRY, PATHANAMTHITTA.

   BY GOVERNMENT PLEADER SRI. P. FAZIL

   THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : **COPY OF THE BYE LAW OF THE FIRST PETITIONER BANK**

P2 : **COPY OF THE LETTER DATED 11.12.2008 ISSUED BY THE PETITIONER BANK TO THE SECOND RESPONDENT BANK**

P3 : **COPY OF THE NOTICE NO. CRP(1) 479/2008 DATED 06.02.2009 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER BANK**

P4 : **COPY OF THE REPLY NO. 97/08-09 DATED 10.02.2009 ISSUED BY THE FIRST PETITIONER BANK TO THE FIRST RESPONDENT.**

P5 : **COPY OF ORDER NO. CRP(1) 3479/2008 DATED 10.07.2009 ISSUED BY THE FIRST RESPONDENT TO THE FIRST PETITIONER BANK**

RESPONDENT(S)' EXHIBITS:-

EXT. R1(a) **COPY OF THE CIRCULAR NO. 4/2007**

EXT. R1(b) **COPY OF THE CIRCULAR NO. 16/2007 DATED 19.02.2007**

EXT. R1(c) **COPY OF THE RELEVANT PAGES OF THE LOCAL DELIVERY REGISTER SHOWING DESPATCH OF NOTICE TO THE FINANCING BANK AND CIRCLE CO-OPERATIVE UNION**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28859 OF 2009

Dated this the 07th day of January, 2015

JUDGMENT

The re-classification of the bank from a primary agricultural credit society to a non-agricultural credit society is impugned. The issue has become academic since the bank in question – Kulanada Service Co-operative Bank Limited – is not now functioning. It is reported that proceedings are afoot in liquidation in respect of the bank.

The writ petition is hence dismissed clarifying that the order impugned will not stand in the way of raking up the issue of classification if and when the bank is restarted.

V. CHITAMBARESH
JUDGE

DCS