

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 27547 of 2013 (P)

PETITIONER:

**KOTTAYAM CO-OPERATIVE HOUSING SOCIETY LTD. NO K. 348,
REGD. OFFICE M.D.C. CENTRE, KOTTAYAM 696001
REPRESENTED BY ITS PRESIDENT**

BY ADV. SRI.GEORGE ZACHARIAH ERUTHICKEL

RESPONDENTS:

**1. THE JOINT REGISTRAR CO-OPERATIVE SOCIETIES (GENERAL),
KOTTAYAM 686001**

*** ADDL. R2 IS IMPEADED**

**2. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
CO-OPERATIVE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001**

*** ADDL. R2 IS SUO MOTU IMPEADED AS PER THE JUDGMENT DATED
05.03.2015 IN W.P.(C). NO. 27547 OF 2013**

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REQUEST, WHICH INTER- ALIA REVEALS THE CONFESSION MADE BY THE TEMPORARY EMPLOYEE, AT WHOSE INSTANCE THE MALPRACTICES WERE COMMITTED**
- EXHIBIT P2 TRUE COPY OF THE REQUEST DATED 02-02-2011 SUBMITTED BY THE PRESIDENT OF THE PETITIONER SOCIETY TO THE ASSISTANT REGISTRAR, KOTTAYAM**
- EXHIBIT P3 TRUE COPY OF THE LAWYERS NOTICE DATED 08-01-2011 CAUSED TO BE SENT TO THE GENERAL MANAGER, THIRUNAKKARA BRANCH MANAGER OF KOTTAYAM CO- OP. URBAN BANK LTD, THE INSTANCE OF THE PETITIONER**
- EXHIBIT P4 TRUE COPY OF THE CRIMINAL COMPLAINT FILED BEFORE THE POLICE AUTHORITIES BY THE PETITIONER**
- EXHIBIT P5 TRUE COPY OF THE REPLY DATED 02-05-2012 ISSUED BY THE PETITIONER**
- EXHIBIT P5(A) TRUE COPY OF THE RECEIPT OF THE EXT P5**
- EXHIBIT P6 TRUE COPY OF THE LETTER DATED 28-05-2012 ISSUED BY THE PETITIONER TO THE RESPONDENT**
- EXHIBIT P7 TRUE COPY OF THE PETITION ALONG WITH EXPLANATIONS DATED 02-01-2013 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT**
- EXHIBIT P8 TRUE COPY OF THE NOTICE DATED 16-08-2013 ISSUED FROM THE OFFICE OF THE RESPONDENT TO THE PETITIONER**
- EXHIBIT P9 TRUE COPY OF THE LETTER DATED 28-08-2013 ISSUED BY THE PETITIONER TO THE RESPONDENT**
- EXHIBIT P9(A) TRUE COPY OF THE RECEIPT ISSUED IN RESPECT OF EXT P9**
- EXHIBIT P10 TRUE COPY OF THE EXPLANATION DATED 07-09-2013 SUBMITTED BY THE PETITIONER**
- EXHIBIT P10(A) TRUE COPY OF THE RECEIPT WITH RESPOECT TO THE EXHIBIT P10**
- EXHIBIT P11 TRUE COPY OF THE EXPLANATION DATED 09-10-2013 SUBMITTED BY THE PETITIONER**
- EXHIBIT P12 TRUE COPY OF THE ORDER DATED 11-10-2013**

WP(C).No. 27547 of 2013 (P)

**EXHIBIT P13 TRUE COPY OF THE LETTER ISSUED BY A MEMBER OF THE
PETITIONER SOCIETY**

**EXHIBIT P13(A) TRUE COPY OF THE LETTER ISSUED BY A MEMBER OF THE
PETITIONER SOCIETY**

**EXHIBIT P13(B) TRUE COPY OF THE LETTER ISSUED BY A MEMBER OF THE
PETITIONER SOCIETY**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 27547 OF 2013

Dated this the 5th day of March, 2015

JUDGMENT

It is conceded that the petitioner has already invoked the statutory remedy against Ext. P12 order of supersession. An appeal has been filed to the Government under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969.

2. The State of Kerala represented by the Secretary to Government, Co-operative Department is suo motu impleaded as the additional second respondent. The additional second respondent is directed to dispose of the appeal filed against Ext.P12 order within a period of three months.

3. The part-time administrator has reportedly not assumed duty pursuant to Ext. P12 order of supersession. The status quo shall therefore continue till the appeal

against Ext. P12 order is disposed of by the additional second respondent as directed.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS