

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No.28805 of 2012 (A)

PETITIONERS :

1. P.NITHIN,
S/O BALAN, PALAKURISSY HOUSE, PUTHANTHARA,
NEMMARA P.O, PALAKKD 678508.
2. G. JAYAPRAKASH,
S/O C. GANGADHARAN, THIRUTHUMPADAM HOUSE, POTHUNDY P.O.,
NEMMARA, PALAKKD 678508.
3. R.MANIYAN,
S/O M.RAMASWAMY, VADAKKUTTIL HOUSE, THEKKATHARA,
VITHANASSERRY, NEMMARA P.O, PALAKKD 678508.
4. SHEEJA.T.,
W/O.KALADHARAN,
AMBOKKAD HOUSE,
KANIMANGALAM,
PUZHAKKALTHARA, NEMMARA,
PALAKKAD – 678 508.
5. V. APPU,
S/O VELAMURUGHAN, MATTAPPARAYIL HOUSE, NEMMARA P.O.,
PALAKKD 678508.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS :

1. STATE CO-OPERATIVE ELECTION COMMISSIONER,
THIRUVANANTHAPURAM 695001.
2. THE RETURNING OFFICER/ OFFICE INSPECTOR AR (G),
CHITTUR, CHITTUR P.O, PALAKKD 678001.
3. VALLANGY VITHANASSERRY SERVICE CO- OPERATIVE BANK LTD No.282,
REPRESENTED BY THE SECRETARY,
VALLANGY VITHANASSERRY SERVICE CO- OPERATIVE BANK LTD,
NEMMARA P.O, PALAKKD 678508.
4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
PALAKKAD 678001.

WP(C).No.28805 of 2012 (A)

ADDL.R5 :- SANTHAKUMARAN,
S/O.RAMASWAMY,
AGED 45 YEARS,
VADAKOOTIL, VITHANASSERRY,
VALLANGHY, NENMARA.P.O.,
CHITTUR TALUK,
PALAKKAD 678 508.

(ADDL.R5 IMPEADED AS PER ORDER DTD.11.12.2012 IN I.A.16358/12.)

ADDL.R5 BY ADV. SRI.NIRMAL. S
ADDL.R5 BY ADV. SMT.VEENA HARI
BY SR.GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :-

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| EXT. P1 | TRUE COPY OF THE NOTIFICATION FOR ELECTION DATED 05-11-2012
PUBLISHED IN MATHRUBHUMI DAILY. |
| EXT. P2 | TRUE COPY OF THE RECEIPT SHOWING THE RECEIPT OF NOMINATION
SUBMITTED BY THE PETITIONERS. |
| EXT. P3 | TRUE COPY OF THE ORDER DATED 30-11-2012 ISSUED BY THE 3RD
RESPONDENT TO THE 1ST PETITIONER. |
| EXT. P4 | TRUE COPY OF THE ORDER DATED 30-11-2012 ISSUED BY THE 3RD
RESPONDENT TO THE 2ND PETITIONER. |
| EXT. P5 | TRUE COPY OF THE ORDER DATED 30-11-2012 ISSUED BY THE 3RD
RESPONDENT TO THE 3RD PETITIONER. |
| EXT. P6 | TRUE COPY OF THE ORDER DATED 30-11-2012 ISSUED BY THE 3RD
RESPONDENT TO THE 4TH PETITIONER. |
| EXT. P7 | TRUE COPY OF THE ORDER DATED 30-11-2012 ISSUED BY THE 3RD
RESPONDENT TO THE 5TH PETITIONER. |
| EXT. P8 | TRUE COPY OF THE CIRCULAR NO 7466/83 DATED 06-08-1983. |
| EXT. P9 | TRUE COPY OF THE RELEVANT PART OF THE RESOLUTION
(RESOLUTION No.5). |
| EXT. P10 | TRUE COPY OF THE RECEIPT DTD.27.3.2012. |
| EXT. P11 | TRUE COPY OF THE PASS BOOK OF THE 5TH PETITIONER. |

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.28805 of 2012

Dated this the 29th day of September, 2015

JUDGMENT

The petitioners, who are the members of the 3rd respondent Society, have filed nomination for contesting in the election to the Board of Directors of the said Society scheduled to be held on 16.12.2012, in terms of Ext.P1 notification. They have approached this Court in this writ petition seeking a writ of certiorari to quash the rejection of their nomination papers by way of Exts.P3 to P7.

2. By order dated 11.12.2012 this Court granted an interim order directing the Returning Officer to accept the nomination papers of petitioners 1 to 4 in the election scheduled to be held on 16.12.2012. It was also made clear that, if the Returning Officer finds it difficult to prepare the list of candidates including the petitioners at this stage and to conduct the election on the scheduled date, the matter shall be reported to the 1st respondent and the said respondent shall consider the postponement of the election for the purpose of completing the formalities and shall pass appropriate orders thereon. But it was made clear that the election

should not be postponed beyond the period of two weeks from the date of order, i.e., 11.12.2012. Since this Court by interim order dated 11.12.2012 has permitted the petitioners to contest in the election scheduled to be held on 16.12.2012, no further orders are required in this Writ Petition. In such circumstances, this Writ Petition is closed, leaving open all the contentions raised by both sides.

Sd/-

ANIL K.NARENDRA, JUDGE

skj