

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 28095 of 2013 (J)

PETITIONER : -

M.P.CHERIKOYA, AGED 70 YEARS,
S/O.SULAIMAN HAJI, RESIDING AT KAVARATTI,
MEMBER NO.C23 (C'CLASS)
LAKSHADWEEP CO-OPERATIVE MARKETING FEDERATION,
UT OF LAKSHADWEEP, KAVARATTI.

BY ADV.SRI.P.VMOHANAN

RESPONDENTS : -

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
DEPARTMENT OF CO-OPERATION, UT OF LAKSHADWEEP,
KAVARATTI - 682 555.
 2. MANAGING DIRECTOR,
THE LAKSHADWEEP CO-OPERATIVE MARKETING FEDERATION
LIMITED, UT OF LAKSHADWEEP, KAVARATTI - 682 555.
 3. SECRETARY,
THE LAKSHADWEEP CO-OPERATIVE MARKETING FEDERATION LIMITED
UT OF LAKSHADWEEP, KAVARATTI - 682 555.
 4. RETURNING OFFICER,
(DR.TRANJAL J ZARAKA- (DIRECTOR AGRICULTURE),
THE LAKSHADWEEP CO-OPERATIVE MARKETING FEDERATION LIMITED
UT OF LAKSHADWEEP, KAVARATTI - 682 555.
- ADDL.5. ABDUL HAKEEM.C.G., S/O.SAID KOYA, AGED 35 YEARS,
VICE PRESIDENT, CO-OPERATIVE MARKETING SOCIETY KALPENI,
CHEMMAMGATH HOUSE, KALPENI ISLAND,
U.T. OF LAKSHADWEEP - 682 557.
(ADDL. R5 IS IMPEADED AS PER ORDER DATED 28/05/2014 IN IA 5133/2014.)

R1 BY ADV.SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN
ADDL R5 BY ADV. SRI.NIRMAL. S

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE BYE-LAW OF THE FEDERATION.
- EXT.P2 : TRUE COPY OF THE AMENDED RULES 8/7/2008.
- EXT.P3 : TRUE COPY OF THE LACCADIVE MINICOY AND AMINI DIVI
ISLAND CO-OPERATIVE SOCIETIES (CONDUCT OF ELECTION OF
THE COMMITTEE) RULES 2008.
- EXT.P4 : TRUE COPY OF THE PROCEEDING F.NO.10/27/2010 COOP DATED
30/9/2013.
- EXT.P5 : TRUE COPY OF THE LIST OF MEMBERS PUBLISHED BY THE
SECRETARY ON 10/10/2013.
- EXT.P6 : TRUE COPY OF THE OBJECTION DATED 4/10/2013.
- EXT.P7 : TRUE COPY OF THE NOTICE DATED 26/10/2013.
- EXT.P8 : TRUE COPY OF THE NOTIFICATION DATED 2/11/2013.
- EXT.P9 : TRUE COPY OF THE FINAL LIST PREPARED AND PUBLISHED BY
SECRETARY DATED 5/11/2013.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 28095 of 2013

Dated this the 04th day of December, 2015

JUDGMENT

The petitioner, a member of the second respondent Federation, filed this writ petition in 2013 assailing that the election sought to be held then was fraught with irregularities. This Court on 15.11.2013 issued an interim direction that the result of the election should be subject to the result of the writ petition.

2. Now, the learned counsel for the petitioner submits that indeed election was held and the term of the managing committee, with the efflux of time, also came to an end. According to him, nothing survives in the writ petition.

3. The learned counsel has also further submitted that this Court may close the writ petition with a direction to the authorities to conduct fresh election in accordance with law.

4. None appears for respondents 1 to 4. The learned counsel for the fifth respondent has submitted that she has no instructions.

5. Nevertheless, given the submissions made by the learned counsel for the petitioner, I am of the opinion that the

closure of the writ petition is not to the prejudice of any of the respondents. Since the tenure of the managing committee of the Federation is two years, evidently the committee that got elected subsequent to filing of the writ petition must have had its term completed by now. Therefore, keeping the writ petition pending, to me, serves no purpose.

In the facts and circumstances, this Court closes the writ petition as having not survived for further consideration. Needless to observe that the respondent authorities shall proceed with holding elections for the Federation in due course by following the due procedure.

DAMA SESHADRI NAIDU
JUDGE

DMR/-