

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 30163 of 2012 (U)

PETITIONERS:

1. THE ERUMAMUNDA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD. NO. M. 91 (D), ERUMAMUNDA P.O. NILAMBUR TALUK, MALAPPURAM DISTRICT REPRESENTED BY ITS SECRETARY
2. THE SECRETARY, ERUMAMUNDA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD. NO M 91(D), ERUMAMUNDA P.O., NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADVS. SRI. P. SAMSUDIN
SMT. NIMA JACOB

RESPONDENTS:

1. THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT THIRUVANANTHAPURAM 695 001
2. DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, MALAPPURAM 676 505.
3. DAIRY EXTENSION OFFICER, NILAMBUR 679329, MALAPPURAM DISTRICT.
4. THE ADYANPARA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD NO M 256(D), MUTTIYEL, ERUMAMUNDA P.O. 679 334, NILAMBUR TALUK MALAPPURAM DISTRICT .
5. THE PRESIDENT, ADYANPARA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD NO. M 256(D), MUTTIYEL , ERUMAMUNDA P.O. 679 334, NILAMBUR TALUK MALAPPURAM DISTRICT .
6. THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM 695 001

BY SPECIAL GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P1	TRUE RELEVANT EXTRACT OF THE BYE LAW OF THE PETITIONER SOCIETY
EXT.P2	TRUE COPY OF THE MINUTES OF THE GENERAL BODY MEETING OF THE SOCIETY HELD ON 29-10-2011
EXT.P3	TRUE COPY OF THE COMPLAINT DATED 14-03-2012 FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.
EXT.P4	TRUE COPY OF THE COMPLAINT DATED NIL SUBMITTED BY THE 2ND PETITIONER AND THE RPESIDENT OF THE SOCIETY TO THE 1ST RESPONDENT.
EXT.P5	TRUE COPY OF THE QUESTIONNAIRE ANS THE ANSWARE GIVEN BY THE 2ND RESPONDENT UNDER THE RTI ACT
EXT.P6	TRUE COPY OF THE MILK COLLECTION REPORT IN THE MAIN CENTER OF PETITIONER SOCIETY AT ERUMAMUNDA.
EXT.P7	TRUE COPY OF THE COMMUNICATION DATED 24.07.2013 ISSUED BY THE 2ND RESPONDENT
EXT.P8	TRUE COPY OF THE INFORMATION GIVEN UNDER RI ACT
EXT.P9	TRUE COPY OF THE REGISTRATION CERTIFICATED ISSUED TO THE 4TH RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30163 OF 2012

Dated this the 30th day of January, 2015

JUDGMENT

The allegation is that the area of operation of the petitioner Society and that of the fourth respondent Society overlaps. The petitioner therefore challenges the registration granted to the fourth respondent Society in this writ petition.

2. My attention was drawn to Section 7(1)(c) of the Kerala Co-operative Societies Act. Reliance is also placed on **Karassery Service Co-operative Bank Vs. Mokkal Service Co-Operative Bank [2007 (1) KLT 555]**.

3. It is for the petitioner to move the second respondent in this regard by a representation. Any representation filed within one month from today shall be dealt with by the second respondent within one month thereafter. Needless to say that the petitioner as well as the fourth respondent Society shall be put on notice and heard.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**