

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 30668 of 2012 (G)

PETITIONER(S) :

1. K.HARIKUMAR AGED 56 YEARS
S/O. KRISHNAN NAIR, RESIDING AT MALAYABHAVAN
CHTTATTINKARA DESOM, AVANAVANCHERRY VILLAGE, ATTINGAL
THIRUVANANTHAPURAM DISTRICT.

2. S.KUMARI
CHARUVILA VEEDU, KARICHIYIL, ATTINGAL P.O.

BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SMT.A.V.PRIYA
SRI.HARISH GOPINATH

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT OF
CO-OPERATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
THIRUVANANTHAPURAM-695001.

3. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
ATTINGAL-695101.

4. ASSISTANT REGISTRAR AND ARBITRATOR
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD.
THIRUVANANTHAPURAM-695023.

5. SPECIAL SALE OFFICER
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD.
THIRUVANANTHAPURAM-695023.

6. CHRIAYINKEEZHU TALUK EDUCATIONAL CO-OPERATIVE
SOCIETY NO. T.808
CO-OPERATIVE COLLEGE BUILDING, AVANAVANCHERRY P.O.
ATTINGAL-695103, REPRESENTED BY ITS SECRETARY.

7. THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS GENERAL MANAGER
THIRUVANANTHAPURAM-695023.

8. S.SIVARAJAN, AGED 55 YEARS
S/O. SIVADASAN, S.K.S.BUNGLOW ATTINGAL P.O.
AVANAVANCHERRY VILLAGE, CHITTATINKARA DESOM
CHRIAYINKEEZHU TALUK, THIRUVANANTHAPURAM, PIN-695101.

WP(C).No. 30668 of 2012 (G) : 2:

9. EMPLOYEES'S PROVIDENT FUND ORGANIZATION
REPRESENTED BY REGIONAL PROVIDENT FUND COMMISSIONER-1
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.

R7 BY ADV. SRI.C.K.JAYAKUMAR, SC, TVM. DIST. CO.OP.BANK LTD,
R9 BY ADV. SMT.T.N.GIRIJA, SC,EPF ORGANISATION
RR8 BY ADV. SRI.MILLU DANDAPANI
R7 BY ADV. SRI.T.R.HARIKUMAR, SC, THIRUVANANTHAPURAM
DIST.CO.OP.BANK
R BY GOVERNMENT PLEADER SHRI RAFEEK V.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF NEWS PAPER REPORT IN MALAYALAM DAILY DATED 15.06.2012.

EXT.P1(a): TRUE COPY OF NEWS PAPER REPORT IN DESHABHIMANI DATED 15.06.2012.

EXT.P1(b): TRUE COPY OF NEWS PAPER REPORT IN MATHRUBHOOMI DATED 15.06.2012.

EXT.P2: TRUE COPY OF AWARD IN ARC NO.5/2000 DATED 26.05.2000 OF THE 4TH RESPONDENT.

EXT.P2(a): TRUE COPY OF AWARDS IN ARC NO.46/1998 DATED 31.05.2003 OF THE 4TH RESPONDENT.

EXT.P3: TRUE COPY OF NOTICE OF ATTACHMENT DATED 22.11.2007.

EXT.P4: TRUE COPY OF THE SALE PROCLAMATION DATED 13.12.2011.

EXT.P5: TRUE COPY OF THE SALE CERTIFICATE IN FAVOUR OF THE 8TH RESPONDENT.

EXT.P6: TRUE COPY OF THE LETTER DATED 18.07.2012 OF THE CENTRAL PUBLIC RELATION OFFICER, EMPLOYEES PROVIDENT FUND ORGANIZATION.

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 10.02.2012 OF THE 1ST PETITIONER TO THE 2ND RESPONDENT.

EXT.P8: TRUE COPY OF THE REPRESENTATION DATED 3.2.2012 OF THE 2ND PETITIONER TO THE 2ND RESPONDENT.

EXT.P9: TRUE COPY OF THE REPORT DATED 08.02.2012 OF THE 3RD RESPONDENT.

EXT.P10: TRUE COPY OF THE CERTIFICATE DATED 21.12.2012 OF THE VILLAGE OFFICER, ATTINGAL-AVANAVANCHERRY.

RESPONDENTS' EXHIBITS

EXT.R8(a): TRUE COPY OF THE PAPER PUBLICATION IN THE MATHRUBHUMI, DATED 13.1.2012.

EXT.R8(b): TRUE COPY OF THE NOTICE ISSUED BY THE SPECIAL SALES OFFICER TO TAHSILDAR, CHIRAYINKEEZHU TALUK OFFICE, ATTINGAL, DATED 13.12.2011.

EXT.R8(c): TRUE COPY OF THE NOTICE ISSUED BY THE SPECIAL SALES OFFICER TO COMMISSIONER, ATTINGAL MUNICIPAL CORPORATION, DATED 16.12.2011.

EXT.R8(d): TRUE COPY OF THE NOTICE ISSUED BY THE SPECIAL SALES OFFICER TO SUB REGISTRAR, ATTINGAL SUB REGISTRAR OFFICE, DATED 13.12.2012.

EXT.R8(e): TRUE COPY OF THE LETTER NO.KR/12397/RECOVERY/2011 DATED 30.11.2011 ISSUED BY THE RECOVERY OFFICER.

WP(C).No. 30668 of 2012 (G) : 2:

EXT.R8(f): TRUE COPY OF THE PROCEEDINGS OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) THIRUVANANTHAPURAM, DATED 31.03.2012.

EXT.R8(g): TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, ATTINGAL, AVANAVANCHERRY, DATED 21.12.2011.

EXT.R8(h): TRUE COPY OF THE CERTIFICATE OF SALE OF IMMOVABLE PROPERTY.

EXT.R8(i): TRUE COPY OF THE CHALAN RECEIPT SHOWING REMITTANCE OF RS.100/- DATED 22.08.2012.

/TRUE COPY/

P.S TO JUDGE

P.V.ASHA, J.

W.P(c) No.30668 of 2012-G

Dated this the 22nd day of May, 2015

JUDGMENT

The prayer in the Writ Petition is for a direction to the 2nd respondent to consider and pass orders on Exts.P7 and P8 with an opportunity for hearing to the petitioners and for a further direction to restrain respondents 2 to 8 from dealing with the 27 cents of property in Sy.No.2148 of Avanavancherry village till the disposal of those representations. The petitioners claim that they are members of the 6th respondent - Chirayinkeezhu Taluk Educational Co-operative Society. The first petitioner is the former President; whereas the second petitioner is a former employee of the society. The property of the society were put to sale towards the dues towards employees provident fund as well as towards loan availed from the District Co-operative Bank, Thiruvananthapuram. According to the petitioners, the property is put to sale for a paltry sum when it is worth for crores of Rupees, in excess of the dues and that they came to know about the sale only subsequent to the proceedings for sale.

2. The 8th respondent has filed a counter affidavit producing Ext.R8(f) stating that the sale has already been confirmed under Rule 83(3) of the Kerala Co-operative Societies Act, 1969. It appears that the petitioners have not taken up any action at the relevant time before the appropriate authorities as can be seen from the proceedings of the Joint Registrar - Ext.R8 (f). When the sale was confirmed as early as on 31.03.2012, I do not find it necessary to issue any directions as prayed for in the Writ Petition.

Hence the Writ Petition fails and is accordingly dismissed.

Sd/-
(P.V.ASHA, JUDGE)

rtr/