

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937HH

WP(C).No. 27479 of 2015 (H)

PETITIONERS : -

1. VKESAVAN, JAI HIND COLONY,
MEPPAD, NATHANKOONI P.O., WAYANAD.
2. RAJAMMA AYAPPAN,
LATHALAYAM, MOOLAKKONAM,
KOOVALASSERY P.O., PIN - 695 512,
THIRUVANANTHAPURAM.
3. B. SREEDHARAN, SREELAYAM,
CHERIYAVELINALLOOR P.O.,
KOTTARAKKARA, PIN - 691 516.
4. S. VIJAYAN, VINOD BHAVAN,
ELATHOOR P.O., PATHANAMTHITTA.
5. K.K. KUMARAN, ELANTHACHIRA,
KULAVAMKODAM P.O.,
CHERTHALA, ALAPPUZHA.
6. K.KUPPUSWAMY,
DEVIKULAM GIRIJAN SERVICE CO-OPERATIVE SOCIETY LTD.
No. I-12, MUNNAR P.O., IDUKKI.
7. A.K. BABU, ALAKKAPARAMBIL,
NEDUMKUNNAM P.O., CHANGANASSERY,
KOTTAYAM, PIN - 686 542.
8. P.V.SASI, PUTHANPURATHUNDIYIL,
MARADU P.O., ERNAKULAM, PIN - 682 304.
9. M.M. SUGATHAN, MOOKUDATH HOUSE,
MATTATHOORKUNNU P.O.,
THRISSUR, PIN - 680 684.
10. K. RADHAKRISHNAN,
KURADANKULAMBU HOUSE,
KODUVAYOOR P.O., PALAKKAD.

11. V.C.RAJAN, PARUTHIPATTA HOUSE,
PERAKKARA ROAD, MANJERI P.O.,
MALAPPURAM,
12. M. BABURAJAN, MANNARAYIKKAL HOUSE,
KIZHAKOTHU P.O., KODUVALLI,
KOZHIKODE - 673 572.
13. V.P.KUNJURAMAN, VADKKEVEETIL HOUSE,
VAYATTUPARAMBU P.O., NADUVIL, KANNUR.
14. P. KUNJAMBU, KADANKODU,
NELLIKKAL, THURUTHI P.O., KASARKODE.

BY ADVS.SRI.T.A.SHAJI (SR.)
SMT.NAMITHAJYOTHISH
SRI.V.VINCENT DIDACOSE
SRI.DARSAN SOMANATH
SMT.K.P.SHEEBA

RESPONDENTS : -

1. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
CO-OPERATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : COPY OF THE ORDER DATED 23.06.2015 OF THE 1st RESPONDENT
ALONG WITH THE ENGLISH VERSION.

EXHIBIT P2 : COPY OF THE MEMORANDUM OF APPEAL DATED 17.08.2015 FILED
BY THE PETITIONERS, ALONG WITH THE STAY PETITION FILED
BEFORE THE 2nd RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 27479 of 2015

Dated this the 11th day of September, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The first petitioner, being the former President of the Kerala State SC/ST Development Co-operative Federation Limited, and other petitioners, being the former Board Members, faced surcharge proceedings under Section 68 of the Kerala Co-operative Societies Act. Assailing adverse findings against them in Exhibit P1 order passed by the first respondent, the petitioners filed Exhibit P2 statutory appeal before the second respondent. Seeking its expeditious disposal, the petitioners have filed the present writ petition.

3. In response to the submissions made by the learned Senior Counsel for the petitioners, the learned Government Pleader has submitted that the second respondent is willing to consider petitioners' Exhibit P2 appeal, expeditiously.

4. In the facts and circumstances, having regard to the respective submissions of the learned Senior Counsel for the petitioners and the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the second respondent to consider petitioners Exhibit P2 appeal in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

It is in the interest of justice that there shall not be any coercive steps pursuant to Exhibit P1 until the disposal of the statutory appeal.

No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-