

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 28176 of 2014 (V)

PETITIONER:

PUDUPPADI SERVICE CO-OPERATIVE BANK LTD.NO.F.1830,
PUDUPPADI P.O, CALICUT, REPRESENTED BY ITS SECRETARY

BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.A.K.RAJESH
SRI.VENKATESH GOPI

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KOZHIKODE, PIN 673 004
2. KARASSERY SERVICE CO-OPERATIVE BANK LTD. NO D 2628,
KARASSERY P.O, KOZHIKODE, 673602
REPRESENTED BY ITS SECRETARY

R2 BY ADV. SRI.P.P.JACOB
R BY GOVERNMENT PLEADER SRI.T.R.RAJESH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE JUDGMENT IN WPC NO 16600/2013
DATED 26-07-2013

EXHIBIT P2 TRUE COPY OF THE ORDER NO AEL 5910/2013 DATED 05-11-2013 OF
THE IST RESPONDENT

EXHIBIT P2(A) TRUE COPY OF THE COMMUNICATION NO. CRP/3480/13/L.DIS DATED
19-12-2013

EXHIBIT P3 TRUE COPY OF THE REPLY NO. JS 7448/14 DATED 16-10-2014 ISSUED
BY PUDUPPADI GRAMA PANCHAYATH

EXHIBIT P4 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE IST RESPONDENT DATED 20-10-2014

EXHIBIT P5 TRUE COPY OF THE RELEVANT PORTION OF THE BYE LAW OF THE
PETITIONER

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.28176 of 2014

Dated this the 9th day of January, 2015

J U D G M E N T

The apprehension is that the second respondent Bank may open its branches within the area of operation of the petitioner Bank. The petitioner Bank contends that the area of operation of similar types of Bank shall not overlap. Reliance is placed on Section 7(1) (c) of the Kerala Co-operative Societies Act.

2. The second respondent submits that no application for opening a Branch within the area of operation of the petitioner Bank has hitherto been filed. Therefore the writ petition is filed on an mere apprehension and is pre-mature is the contention.

3. The writ petition is disposed of with the following directions:-

- i) Any application put in by the second respondent Bank for opening a Branch in the area of operation of the petitioner Bank shall

be considered only in accordance with law.

- ii) Any such application shall be dealt with only after due notice of hearing to the petitioner Bank also.

Sd/-
V.CHITAMBARESH,
Judge.

nj.