

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 30684 of 2013 (I)

PETITIONER:

SOMAN. P, PARIYARATH HOUSE,
THENHIPALAM, MALAPPURAM
(MEMBER NO.1120 OF THENHIPALAM
SERVICE CO-OPERATIVE BANK LIMITED NO.1969
THENHIPALAM, MALAPPURAM)

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT
CO-OPERATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM - 695 001.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
(GENERAL), OFFICE OF THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES, MALAPPURAM - 676 505.
4. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUR, MALAPPURAM - 676 101.
5. THENHIPALAM SERVICE CO-OPERATIVE BANK
LIMITED NO.1969, THENHIPALAM, MALAPPURAM,
REPRESENTED BY ITS SECRETARY - 676 636.

R5 BY ADV. SRI. GEORGE POONTHOTTAM
BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE CIRCULAR NO.39/2006.
- EXT.P2 : TRUE COPY OF THE CIRCULAR NO.33/2009 DATED 13/07/2009
ISSUED BY THE 1ST RESPONDENT.
- EXT.P3 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD
RESPONDENT DATED 27/8/2012.
- EXT.P4 : TRUE COPY OF THE CIRCULAR NO.40/2013 DATED 17/06/2013
- EXT.P5 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND
RESPONDENT DATED 26/7/2013.
- EXT.P6 : TRUE COPY OF THE INTERIM ORDER DATED 28/10/2013, WHICH
WAS EXTENDED FROM TIME.
- EXT.P7 : TRUE COPY OF THE JUDGMENT IN WPC NO.19241/2013.
- EXT.P8 : TRUE COPY OF THE APPEAL PREFERRED BY THE PETITIONR
(EXCLUDING EXHIBITS)
- EXT.P9 : TRUE COPY OF THE CHALAN REMITTING THE FEE.
- EXT.P10 : TRUE COPY OF THE COMMUNICATION ISSUED BY THIS REGARD
DATED 02/12/2013.
- EXT.P11 : TRUE COPY OF (TYPED COPY) THE REPORT SUBMITTED BY THE
ASSISTANT REGISTRAR, RECEIVED UNDER THE RIGHT TO
INFORMATION ACT.
- EXT.P12 : TRUE COPY OF THE ORDER ISSUED BY THE JOINT REGISTRAR
DATED 03.03.2014.
- EXT.P13 : TRUE COPY OF THE STOP MEMO ISSUED BY THE PANCHAYATH
DATED 07.02.2014.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R5(a) : TRUE COPY OF THE COMMUNICATION NO. CRP(2) 3311/2012
DATED 26.06.2013.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30684 OF 2013

Dated this the 2nd day of February, 2015

JUDGMENT

Ext.P5 order dated 26.07.2013 granting permission to the fifth respondent bank to open a branch was impugned in WP(C) No. 19241/2013 filed on 01.08.2013. There was an interim order in that writ petition which culminated in Ext.P7 judgment directing the petitioner to invoke the alternate remedy of appeal. The petitioner did file Ext.P8 appeal thereafter on 19.11.2013 which stands rejected by Ext.P10 order dated 02.12.2013. The only reason for rejecting Ext.P8 appeal is that it is filed beyond the period of 60 days. But the fact that the petitioner had impugned Ext.P5 order within a week after Ext.P5 order cannot be lost sight of. Interest of justice would be met by directing Ext.P8 appeal to be dealt with on merits instead of dismissing the same on delay. Ext.P10 order is accordingly quashed and the first respondent is directed to rehear Ext.P8 appeal on merits expeditiously.

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2. Ext.P8 appeal along with the petition for stay therein shall be disposed of within a period of three months. The same shall be done with notice to the petitioner as well as the fifth respondent bank in the circumstances.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd