

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 28030 of 2015 (C)

PETITIONER:

ABDUL LATHEEF U.C., AGED 45 YEARS,
S/O.LATE BEERANKUBHI HAJI, UKKAYECHETTA HOUSE,
KADMAT ISLAND, UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

1. THE ADMINISTRATOR,
U.T. OF LAKSHADWEEP, KAVARATTI, PIN 682 555.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
DEPARTMENT OF CO-OPERATION,
LAKSHADWEEP ADMINISTRATION, U.T. OF LAKSHADWEEP,
KAVARATTI, PIN 682 555.
3. THE SUB DIVISIONAL OFFICER AND RETURNING OFFICER,
KADAMATH SERVICE CO-OPERATIVE SOCIETY LTD., LMA-24,
KADAMATH ISLAND, U.T.OF LAKSHADWEEP.
4. THE SECRETARY,
KADAMATH SERVICE CO-OPERATIVE SOCIETY LTD., LMA-24,
KADAMATH ISLAND, U.T.OF LAKSHADWEEP, PIN 682 556.

R BY SRI.S.RADHAKRISHNAN,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 28030 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF CLAUSE 11 OF THE BYE-LAWS OF KADAMATH
SERVICE CO-OPERATIVE SOCIETY WITH ENGLISH TRANSLATION.

EXHIBIT-P2: TRUE COPY OF THE REPRESENTATION DATED 21.08.2015 BEFORE
THE 2ND RESPONDENT BY THE PETITIONER AND OTHER BOARD OF DIRECTORS.

EXHIBIT-P3: TRUE COPY OF THE ORDER DATED 03.09.2015 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE NOTIFICATION DATED 27.08.2015 PUBLISHED
BY THE RETURNING OFFICER.

EXHIBIT-P5: TRUE COPY OF THE MINUTES OF THE BOARD MEETING HELD ON
05.09.2015.

EXHIBIT-P5(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P5 MINUTES.

EXHIBIT-P6: TRUE COPY OF THE ORDER DATED 07.09.2015 ISSUED BY THE 2ND
RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 28030 of 2015 (C)

Dated this the 12th day of November, 2015.

JUDGMENT

Heard both sides.

2. The petitioner, then holding the post of President in the 4th respondent society, filed the writ petition assailing Ext.P6 direction of the second respondent to proceed with the election based on the voters list which has contained many names of newly enrolled members.

3. After the filing of the writ petition, as a matter of subsequent development, the society went ahead and conducted the election, however.

4. In the changed circumstances, the learned counsel for the petitioner seeks leave of this Court to withdraw the writ petition with liberty to pursue his statutory remedies. He has further submitted that his right to raise all the pleas concerning Ext.P6 voters list and all other matters connected with the election shall be preserved.

5. In the facts and circumstances, having regard to the

submissions made by the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3, this Court dismisses the writ petition as having been withdrawn by the petitioner.

It is, however, made clear that the petitioner is at liberty to pursue all his statutory remedies regarding the cause he has espoused in the present writ petition and to raise all the pleas that are legally permissible in connection therewith. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

