

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYASHTA, 1937

WP(C).No. 31161 of 2013 (U)

PETITIONERS :

1. **PRESIDENT, ELENTHIKARA VANITHA
CO-OPERATIVE SOCIETY LTD. NO. E 793
ELENTHIKARA VANITHA CO-OPERATIVE SOCIETY LTD. NO. E 793
ELANTHIKKARA P.O., ERNAKULAM DISTRICT, PIN 683594.**
2. **ELENTHIKARA VANITHA CO-OPERATIVE SOCIETY LTD.NO.E 793,
ELENTHIKARA P.O., ERNAKULAM DISTRICT, PIN 683594
REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE
SRI.DESI MATTHAI**

RESPONDENTS :

1. **STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.**
2. **REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM, PIN-695001.**
3. **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
ERNAKULAM, COCHIN-682030.**
4. **THE PARAKKADAVU BLOCK VANITHA
CO-OPERATIVE SOCIETY LTD., NO.E 1127
AYIROOR P.O., PIN 683579
REPRESENTED BY ITS SECRETARY.**

**R1 TO R3 BY GOVERNMENT PLEADER SMT.K.T. LILLY
R4 BY ADVS. SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE RELEVANT PORTION OF THE BYE-LAWS OF THE 2ND PETITIONER SOCIETY.
- EXHIBIT-P2: TRUE COPY OF THE RELEVANT PORTION OF THE BYE-LAWS OF THE 4TH RESPONDENT SOCIETY.
- EXHIBIT-P3: TRUE COPY OF THE RESOLUTION DATED 30.7.2013 OF THE BOARD OF DIRECTORS OF THE 2ND PETITIONER SOCIETY, WHICH WAS SUBMITTED ON 14.8.2013.
- EXHIBIT-P4: TRUE COPY OF THE COMMUNICATION NO.H.M.6981/13/L.DIS DATED 21.11.2013 OF THE 3RD RESPONDENT.
- EXHIBIT P5: COPY OF THE PHOTOGRAPH OF THE FLEX BOARD ADVERTISEMENT DISPLAYED BY THE R4.
- EXHIBIT P5(a): ENGLISH VERSION OF THE EXT P5 FLEX BOARD

RESPONDENT(S)' EXHIBITS :

- EXT.R4(a): COPY OF THE ORDER NO. O./656/03 OF THE DEPUTY REGISTRAR ADMINISTRATION DT 31/1/2003.
- EXT.R4(b): COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE DEPUTY REGISTRAR CO-OPERATIVE SOCIETIES NO. E1127 DT 7/8/2003.
- EXT.R4(c): COPY OF THE BYLAWS OF THE R4 SOCIETY SHOWING THE AREA OF OPERATION.
- EXT.R4(d): COPY OF THE REPRESENTATION SUBMITTED BY THE SMT. REENA POULOSE DT 28/8/2013 BEFORE THE 2ND PETITIONER.
- EXT.R4(e): COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF REPRESENTATION.
- EXT.R4(f): COPY OF THE REPRESENTATION SUBMITTED BY THE PRESENT BARD MEMBER ELSY V.A. DT 28/8/2013 BEFORE THE 2ND PETITIONER.
- ANNEXURE R3(a): COPY OF THE ORDER DT 14/8/1992.

//TRUE COPY//

P.S. TO JUDGE

A.M.SHAFIQUE, J

W.P.C.No.31161 of 2013

Dated this the 16th day of June 2015

J U D G M E N T

Petitioner challenges Ext.P4 communication issued by the Joint Registrar, Co-operative Societies indicating that the complaint of the petitioner, Ext.P3 is not maintainable in view of the fact that there is no area of operation as far as Vanitha Co-operative Societies are concerned in terms of Section 7(1)(c) of the Co-operative Societies Act. The complaint of the petitioner is that it is also a Vanitha Co-operative Society. As per the bye-laws produced as Ext.P1, petitioner is entitled to carry on money lending activity whereas the 4th respondent Vanitha Co-operative Society is not entitled to do so, but they are collecting deposits and giving advances thereby doing money lending business and luring the members of the petitioner society.

2. Perusal of Ext.P3 indicates that such a contention has not been taken by the petitioner and therefore there is nothing wrong in the decision at Ext.P4.

3. In the said circumstances, I do not think that this Court will be justified in issuing any order, as prayed for, but, having regard to the fact that petitioner has a case that 4th respondent is engaged in money lending activity, it is open for the 4th respondent to submit proper representation to the Joint Registrar who shall consider the same and pass appropriate orders within a period of two months from the date of receipt of a copy of the representation, after hearing the affected parties.

With the above observation, this writ petition is closed.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

The words "4th respondent" occurring in the 5th line of paragraph 3 of the judgment dated 16/06/2015 in W.P.(C) No.31161/2013 are corrected as "petitioners" as per order dated 04/09/2015 in I.A.10450/2015 in W.P.(C) No.31161/2013.

(sd/-) **Registrar (Judicial)**

