IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 28731 of 2014 (N)

PETITIONER :

PANACHAMOODU SERVICE COOPERATIVE BANK LTD.
NO.T126, AGED 44 YEARS
REPRESENTED BY ITS SECRETARY,
PANCHAMOODU P.O., PIN 695 505.

BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS :

1. **REGISTRAR OF CO-OPEARIVE SOCIETIES LTD.**
   OFFICE OF REGISTRAR OF CO-OPERATIVE SOCIETIES,
   THIRUVANANTHAPURAM-695 001.

2. **JOINT REGISTRAR (GENERAL),**
   OFFICE OF JOINT REGISTRAR (GENERAL)
   THIRUVANANTHAPURAM-695 001.

3. **KARIKKAMANCODU SERVICE CO-OPERATIVE BANK LTD.NO.1119**
   REPRESENTED BY ITS SECRETARY, KUDAYAL P.O.
   PIN 695 505.

4. **V.ANANDAN**
   JOINT REGISTRAR (GENERAL)
   OFFICE OF JOINT REGISTRAR (GENERAL)
   THIRUVANANTHAPURAM 695 001.

R1 AND R2 BY GOVERNMENT PLEADER SRI.GIKKU JACOB.
R3 BY ADV. SRI.B.S.SWATHY KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(C).No. 28731 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1 :	**TRUE COPY OF RELEVANT PAGE OF BYLAW WHICH CONTAIN CLAUSE NO.4 DEALING WITH AREA OF OPERATION OF SOCIETY.**
EXHIBIT-P2 :	**TRUE COPY OF PUBLIC NOTICE DATED 17.5.2013 OF 3RD RESPONDENT PUBLISHED IN KERALA KAUMUDI DAILY ON 16.5.2013.**
EXHIBIT-P3 :	**TRUE COPY OF MAP SEGREGATING THE AREA OF OPERATION OF SOCIETY OF PETITIONER AND THAT OF 3RD RESPONDENT DETERMINED ON THE BASIS OF DELIMITATION OF WARDS IN THE YEAR 2005.**
EXHIBIT-P4 :	**TRUE COPY OF OBJECTION DATED 7.1.2013 BEFORE THE 1ST RESPONDENT.**
EXHIBIT-P5 :	**TRUE COPY OF NOTICE DATED 24.12.2013 BY THE 2ND RESPONDENT.**
EXHIBIT-P6 :	**TRUE COPY OF ORDER DATED 19.8.2014 BY THE 4TH RESPONDENT.**
EXHIBIT-P7 :	**TRUE COPY OF ORDER DATED 21.1.2014 PASSED BY 2ND RESPONDENT.**
EXHIBIT-P8 :	**TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY 3RD RESPONDENT DATED 30.9.2014.**
EXHIBIT-P9 :	**TRUE COPY OF ADDITIONAL AFFIDAVIT OF PETITIONER DATED 22.10.2014.**

RESPONDENT(S)' EXHIBITS **NIL**

/TRUE COPY/

PA TO JUDGE

VS

V.CHITAMBARESH, J

W.P.(C) Nos.28731 & 30133 of 2014

Dated this the 29th day of January, 2015

JUDGMENT

The area of operation of two Co-operative Banks shall not overlap. This is in view of Section 7(I)(C) of the Kerala Co-operative Societies Act, 1969. The petitioner Bank in WP(C) No.28731 impugns Ext.P6 order therein. The second respondent has by Ext.P6 order permitted the third respondent Bank therein to open a branch at Anchumaramkala. It is the case of the petitioner bank that Anchumaramkala falls within its area of operation.

2. The petitioner bank in WP(C)No.30133/2014 impugns Ext.P7 order therein. The first respondent has by Ext.P7 order declines registration of the amended bye-laws. Amendment was sought by the petitioner therein to rope in Anchumaramkala within its area of operation. It is evident therefore that Ext.P6 order in WP(C) No.28731/2014 militates against Ext.P7 order in WP(C)No.30133/2014.

3. Permission can be granted to open a branch only if the amended bye-laws takes in that place within its

area of operation. It is to be seen whether Ext.P7 order in WP(C)No.30133/2014 supersedes Ext.P5 order therein. It is also alleged that the officer who conducted the hearing did not pass the order violating the principles of natural justice.

4. Interest of justice would be met by directing the Joint Registrar [who is the second respondent in WP(C)No.28731/2014 and the first respondent in WP(C)No.30133/2014] to have a re-look into the issue. Ext.P6 order in WP(C)No.28731/2014 and Ext.P7 order in WP(C)No.30133/2014 are quashed. The Joint Registrar of co-operative societies is directed to issue notice to the petitioners in both the writ petitions and pass orders therein. The needful shall be done within a period of six weeks from the date of production of the copy of this judgment. The same shall be done untrammelled by any observations contained in the orders impugned.

The writ petitions are disposed of.

Sd/-
V.CHITAMBARESH
JUDGE

vs