

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 28889 of 2015 (I)

PETITIONERS:

1. GIRIJA G.NAIR @ GIRIJAMONI P.T. AGED 49 YEARS,
W/O.GOPALAKRISHNAN, MADAMBRATH HOUSE, KUMMANOOR,
KIDANGOOR, KOTTAYAM.
2. LALITHA MOHANDAS @ LALITHAMMA K.,
AKHILOM, KIDANGOOR, KOTTAYAM.
3. JALAJA RAJU @ JALAJA T.C.,
KAKKUZHY KUNNUPURATH, KUMMANOOR, KOTTAYAM.
4. RAJAVALLY MOHAN @ T.K.RAJAVALLY,
KAVUMPURATH, KUMMANOOR, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
KOTTAYAM, COLLECTORATE, KOTTAYAM-686 001.
2. THE ASSISTANT REGISTRAR (GENERAL)
OFFICE OF THE ASSISTANT REGISTRAR, MEENACHIL,
PALA-686 101.
3. THE ADMINISTRATOR,
PRAYADARSHINI VANITHA CO-OPERATIVE SOCIETY LTD.NO.K 1137,
KUMMANOOR, KIDANGOOR-686 572.
4. THE STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY-695 001.

R BY SRI. D. SOMASUNDARAM, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

P1: TRUE COPY OF THE LIST OF A CLASS MEMBERS ALONG WITH ENGLISH TRANSLATION.

P2: TRUE COPY OF THE REPRESENTATION DT.27-6-2015 ALONG WITH ENGLISH TRANSLATION.

P3: TRUE COPY OF THE PROCEEDINGS DT.27-6-2015 ISSUED BY THE FIRST RESPONDENT ALONG WITH ENGLISH TRANSLATION.

P4: TRUE COPY OF THE REPRESENTATION TO THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES AND THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES ALONG WITH ENGLISH TRANSLATION.

P5: TRUE COPY OF THE LETTER DT.19-6-2015 ISSUED BY THE 1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 28889 of 2015 (I)

Dated this the 29th day of October, 2015.

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader, apart from perusing the record.

2. The petitioners are the members of the third respondent society, which is presently under the control of an administrator, who has been appointed in the place of the managing committee. The reasons of replacement are not germane presently. Though the term of the administrator is to come to an end by 27.12.2015, complaining that he has not so far taken any steps to pass a resolution and communicate it to the Election Commission to have elections on time, the petitioners have filed the present writ petition.

3. The learned counsel for the petitioners has submitted that the society has 48 members and that out of those members, 40 members have made a representation to the administrator as well as the Joint Registrar to conduct elections on time. Aggrieved by what is said to be the inaction on the part of the Joint Registrar and the

Administrator, the petitioners have approached this Court.

4. The learned Government Pleader has brought to my notice G.O.(P) No. 128/2015/Co-op. dated 13.10.2015, which is to the effect that the elections to all Co-operative societies have been postponed by 40 days, thereby extending the tenure of the present committees, be it managing committees or administrative committees, by 40 days. The learned Government Pleader, therefore, contends that the Administrator has sufficient time to initiate the process for election.

5. Be that as it may, I do not see any issue to be resolved in the present writ petition. The petitioners urge that elections be conducted expeditiously. On the other hand, the Government does not seem to have any objection to conduct elections within the stipulated time taking into account the extended period in terms of the Government Order referred to above.

6. In the facts and circumstances, it meets the ends of justice, if the writ petition is disposed of with the following direction:

The third respondent shall initiate the process of election by having a resolution passed within a reasonable time and forward it to

the Election Commission, through the Assistant Registrar, so that the election process will be completed within the stipulated time, inclusive of the extended period in terms of G.O.(P) No. 128/2015/Co-op dated 13.10.2015.

This writ petition is disposed of as above. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

