

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29137 of 2015 (N)

PETITIONER : -

SAJEEV R., AGED 48 YEARS,
S/o RAGHAVANANIR,
ELAMBRAKODATH HOUSE, KADANAD P.O.,
MEENACHIL TALUK, KOTTAYAM DISTRICT-686 653.

BY ADVS.SRI.BABY THOMAS
SRI.LATHEESH SEBASTIAN

RESPONDENTS :-

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
KOTTAYAM-686 001.
3. THE ASSISTANT REGISTRAR (CO-OPERATIVE SOCIETIES),
MEENACHIL, PALA, KOTTAYAM DISTRICT - 686 653.
4. TOM THOMAS, KOZHICKOT HOUSE,
KADANAD P.O., MEENACHIL TALUK,
KOTTAYAM DISTRICT-686 653,
AS THE CHIEF PROMOTER OF AGRICULTURAL IMPROVEMENT OF
CO-OPERATIVE SOCIETY, ATHINAD P.O.,
KOLLAPPALLY, KOTTAYAM DISTRICT.

R4 BY ADV.SRI.FRINSO MATHEW
R4 BY ADV.SRI.C.I.RIYAD
BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT
BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON \ 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE APPLICATION OF THE PETITIONER DATED
18/8/2012.
- EXT.P2 : TRUE COPY OF THE DETAILS OF THE FINANCIAL DETAILS OF THE
PROPOSED SOCIETY SUBMITTED BY THE PETITIONER.
- EXT.P3 : TRUE COPY OF THE REPLY OF THE 2ND RESPONDENT DATED
7/3/2015.
- EXT.P4 : TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED
3/6/2015.
- EXT.P5 : TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED
21/8/2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29137 of 2015

Dated this the 05th day of October, 2015

JUDGMENT

The petitioner, said to be the Chief Promoter of a Co-operative Society known as Kadanad Agricultural Improvement Co-operative Society, filed an application before the second respondent seeking the Society's registration.

2. The singular contention of the petitioner is that the second respondent has rejected the petitioner's claim for registration with a one-line order in Exhibit P5, though the statute mandates that the authority has to give reasons for the rejection.

3. The learned Government Pleader, in my view fairly, has submitted that Exhibit P5 is indefensible because it does not contain any reasons for rejection.

4. In the facts and circumstances, having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court hereby sets aside Exhibit P5 order passed by the second respondent; consequently, this Court further directs the second respondent

to reconsider the issue in terms of Section 7 of the Act and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition, accordingly, stands disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-