

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. 29398 of 2015 (Y)

PETITIONER:

ELIKULAM SERVICE COOPERATIVE BANK LTD.NO.K.158,
MADUKKAKUNNU, KANJIRAPALLY TALUK, KOTTAYAM,
REPRESENTED BY SECRETARY, P.RAJEEV.

BY ADVS.SRI.A.ANTONY
SMT.LEELAMMA ANTONY

RESPONDENTS:

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOTTAYAM 686 002.

2. M.T.JOSE
MATTAMUNDAYIL HOUSE, VANCHIMALA P.O.,
KOTTAYAM DISTRICT-686 577.

R2 BY ADV. SRI.LIJI.J.VADAKEDOM
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

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

WP(C).No. 29398 of 2015 (Y)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF PETITION DATED 26.3.2015 SUBMITTED BY THE
PRESIDENT OF PETITIONER SOCIETY BEFORE 1ST RESPONDENT.

EXHIBIT-P1(A): TRUE COPY OF ENGLISH TRANSLATION OF EXT.P1 PETITION.

EXHIBIT-P2: TRUE COPY OF REPORT DATED 28.03.2015 OF ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KANJIRAPPALLY
SUBMITTED BEFORE THE 1ST RESPONDENT.

EXHIBIT-P2(A): TRUE COPY OF ENGLISH TRANSLATION OF EXT.P2 REPORT.

EXHIBIT-P3: TRUE COPY OF REMINDER DATED 11.05.2015 BEFORE THE 1ST
RESPONDENT BY THE PRESIDENT OF PETITIONER SOCIETY.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 29398 of 2015 (Y)

Dated this the 29th day of October, 2015.

JUDGMENT

Heard the learned Counsel for the petitioner, the learned Government Pleader, and the learned counsel for the second respondent, apart from perusing the record.

2. The President of the petitioner Bank has submitted Ext.P1 petition on 26.03.2015 before the first respondent complaining against the second respondent, who is said to have been disqualified on the grounds raised in Ext.P1 petition. The petitioner society seems to have invoked Rule 44 of the Kerala Co-operative Societies Rules to sustain Ext.P1 petition.

3. Questioning what is said to be the inordinate delay in the disposal of the petition, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner has submitted that the first respondent heard the matter in the presence of both the parties on 07.04.2015, but so far he has not rendered any order consequent to the hearing.

5. The learned counsel for the second respondent, on the other hand, has submitted that the second respondent be permitted

to raise all pleas of defence, including that of jurisdiction, before the first respondent.

6. The learned Government Pleader, on his part, has submitted that the first respondent has already issued notices to the petitioner and the second respondent to appear before the said authority on 02.12.2015, and that the authority will take every step to dispose of Ext.P1 at the earliest.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner, the learned Government Pleader and the learned counsel for the second respondent, this Court disposes of the writ petition with a direction to the first respondent to consider the petitioner's Ext.P1 petition in accordance with law, after affording an opportunity of hearing to all parties concerned, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

