

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 29415 of 2015 (B)

PETITIONER: -

ELIKULAM SERVICE CO-OPERATIVE 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 COOPERATIVE SOCIETIES
(GENERAL), KOTTAYAM-686002.
2. ANEESHKUMAR P.T.,
PENDANATHU HOUSE, MADUKKAKUNNU P.O.,
KOTTAYAM DISTRICT-686577.

R2 BY ADV.SRI.LIJJ.J.VADAKEDOM
R2 BY ADV.SRI. A.D. RAVINDRA PRASAD
R1 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29415 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF PETITION DATED 26-03-2015 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 THE REPORT DATED 28-03-2015 OF ASSISTANT
REGISTRAR OF COOPERATIVE SOCIETIES (GENERAL),
KANJIRAPPALLY SUBMITTED BEFORE THE 1ST RESPONDENT.

EXHIBIT P2(a) : TRUE COPY OF THE ENGLISH TRANSLATION OF EXT. P2 REPORT.

EXHIBIT P3 : TRUE COPY OF THE REMINDER DATED 11-05-2015 BEFORE THE 1ST
RESPONDENT BY THE PRESIDENT BY THE PRESIDENT OF
PETITIONER SOCIETY.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29415 of 2015

Dated this the 15th day of October, 2015

JUDGMENT

The petitioner, a Co-operative Bank, has come before this Court seeking a direction to the first respondent to consider and dispose of Exhibit P1 application pending before the said authority for a considerable time.

2. The learned counsel for the petitioner has submitted that the second petitioner, being a member of the Managing Committee, has absented himself from five consecutive meetings of the Managing Committee. In that context, the petitioner is said to have submitted Exhibit P1 application before the first respondent under Rule 44(3) of the Kerala Co-operative Societies Rules (the 'Rules' for brevity). She has further submitted that though hearing took place on 07.04.2015, to this day, the first respondent has not passed any orders.

3. The learned counsel for the second respondent has submitted that short time may be granted for the second respondent to file a counter. He has, nevertheless, submitted that the second respondent has already filed a counter before the first respondent in response to Exhibit P1 application.

4. All that the petitioner seeks is a direction to the first respondent for an expeditious disposal of Exhibit P1, more particularly, in the light of the fact that hearing took place on 07.04.2015. I do not see any prejudice being caused to the second respondent, for he would be given a fair opportunity to have his defence put forward, which he seems to have already done before the first respondent.

5. The learned Government Pleader has submitted that the first respondent is willing to consider and dispose of Exhibit P1 expeditiously.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, the learned counsel for the second respondent, as well as the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the present writ petition with a direction to the first respondent to consider Exhibit P1 application of the petitioner in accordance with law, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

DAMA SESHADRI NAIDU
JUDGE