

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 30067 of 2014 (G)

PETITIONER(S):

KOTTUKAL SERVICE CO-OP.BANK LTD.NO.T.196,
KOTTUKAL P.O., THIRUVANANTHAPURAM DISTRICT - 695 501
REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND

RESPONDENT(S)/RESPONDENTS:-:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
 2. JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM, PIN - 695 001.
 3. ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
NEYATTINKARA, THIRUVANANTHAPURAM DISTRICT
PIN - 695 121.

Addl.4. STATE CO-OPERATIVE ELECTION COMMISSION
OFFICE OF THE KERALA CO-OPERATIVE ELECTION COMMISSION
CO-OPERATIVE TOWERS, PALAYAM, THIRUVANANTHAPURAM
PIN - 695 001
REPRESENTED BY THE STATE CHIEF
CO-OPERATIVE ELECTION COMMISSIONER.

(ADDL.R4 IMPEADED AS PER ORDER DATED 11.12.2014 IN IA
16800/14)

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE AMENDMENTS TO THE BYLAWS PASSED BY THE
GENERAL BODY OF THE BANK ALONG WITH THE FORWARDING
LETTER.

EXHIBIT P2. TRUE COPY OF THE LETTER DATED 28.08.2014 OF THE 2ND
RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE CERTIFICATE OF REGISTRATION FORWARDED
ALONG WITH EXT.P2.

EXHIBIT P3(A). TRUE COPY OF THE BYLAWS AS AMENDED AND APPROVED BY THE
2ND RESPONDENT.

EXHIBIT P4. TRUE COPY OF THE STATUTORY APPEAL DATED 20.09.2014 FILED BY
THE PRESIDENT OF THE PETITIONER BANK BEFORE THE
GOVERNMENT.

EXHIBIT P5. TRUE COPY OF THE REMINDER FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.30067 of 2014

Dated this the 27th day of January, 2015

J U D G M E N T

Ext.P2 order allowing amendment of the bye-laws in part is challenged in Ext.P4 appeal pending. The conduct of the election would obviously depend upon the outcome of Ext.P4 appeal pending with the first respondent. I direct the first respondent to consider Ext.P4 appeal with notice to the petitioner within one month. Steps to conduct the election to the managing committee of the petitioner shall be taken soon thereafter.

2. The petitioner points out that the term of the present managing committee would expire on 18.3.2015. The second respondent Joint Registrar shall explore the possibility of appointing three members of the present managing committee as Administrative Committee members. This is of course subject to the condition that no steps under Section 65 or Section 66 of the Kerala Co-operative Societies Act, 1969 have hitherto been initiated against them.

3. The present President and two other members of the present Board of Directors shall be

appointed as the Administrative Committee members if possible. Such action under Section 33 of the Kerala Co-operative Societies Act is warranted only if it is not possible to conduct the election before the expiry of the term of the present managing committee.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.