

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 31259 of 2014 (F)

PETITIONER:

**THE MANAGING COMMITTEE
THE THIRUVANANTHAPURAM REPRESENTATIVES AND SALESMEN
CO-OPERATIVE SOCIETY LTD.NO.T-1662
FORT P.O., THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY ITS PRESIDENT.**

BY ADV. SRI.ARUN CHANDRAN

RESPONDENTS:

- 1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695001.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
THIRUVANANTHAPURAM-695001.**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
THIRUVANANTHAPURAM-695001.**
- 4. THE UNIT INSPECTOR/ENQUIRY OFFICER,
VAZHUTHACAUD UNIT
OFFICE OF THE ASST. REGISTRAR(GENERAL)
THIRUVANANTHAPURAM-695001.**
- 5. S.V.SAJU,
GEETHA BHAVAN, VADUVATH, MANACAUD.P.O.
THIRUVANANTHAPURAM-695009.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R5 BY ADV.SRI. P. V. BABY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 31259 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF THE ORDER NO.P(2)6184/14 DATED 1.11.2014 ISSUED BY THE 2ND RESPONDENT.

P2: COPY OF THE VALUATION CERTIFICATE ISSUED BY KEISCO DATED 1.4.2014.

P3: COPY OF THE CERTIFICATE NO.M&EF/ODSOCS/14-15 DATED 7.7.2014.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31259 OF 2014

Dated this the 15th day of January, 2015

JUDGMENT

Ext. P1 order directing an enquiry to be conducted in terms of Section 65 of the Kerala Co-operative Societies Act, 1969 is impugned. The order refers to several factual aspects (which are disputed) raised in a complaint filed by the fifth respondent. The fifth respondent has also filed W.P.(C). No. 8531/2014 for a direction to conduct an enquiry into the affairs of the petitioner society.

2. The factual aspects can better be gone into in appeal under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969. Recourse to the writ jurisdiction is mis-conceived when several factual disputes have to be settled to arrive at a conclusion. I deem it proper to relegate the petitioner to the alternate statutory remedy available in order to assail Ext. P1 order.

3. This court by interim order dated 22.11.2014 had stayed the operation of Ext. P1 order for a period of six weeks.

The same shall continue for a period of three weeks more to enable the petitioner to work out its statutory remedy as indicated.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS