

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 31478 of 2014 (H)

PETITIONER:

**P.P.GOPINATHAPILLAI,
KAYAPLAKKAL HOUSE, MAISOOMALA P.O, MUKKOM
KOZHIKODE 673602**

**BY ADVS.SRI.P.P.JACOB
SRI.JOHNSON ALLESE**

RESPONDENTS:

- 1. THE MUKKOM MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.F 1814 (APCOS), MUKKOM P.O, MUKKOM
KOZHIKODE 673 602, REPRESENTED BY ITS SECRETARY**
- 2. THE DEPUTY DIRECTOR
MILK DEVELOPMENT DEPARTMENT
OFFICE OF THE MILK DEVELOPMENT DEPARTMENT
CIVIL STATION, KOZHIKODE-673 620**
- 3. T.K. PRAKASAN
COMMITTEE MEMBER
MUKKOM MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.F 1814 (APCOS), MUKKOM P.O, MUKKOM
KOZHIKODE- 673 602.**

**R1 BY ADV.SRI.ARAVINDA KUMAR BABU T.K.
R2 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R3 BY ADV.SRI.P.C.SASIDHARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE PHOTOCOPY OF THE RELEVANT PORTION OF THE BYELAW OF THE FIRST RESPONDENT PAGES 1 TO 3, 8 & 9**
- EXT.P2 - TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 19-9-14**
- EXT.P3 - TRUE PHOTOCOPY OF THE ORDER ISSUED BY THIRD RESPONDENT DATED 25-9-2014**
- EXT.P4 - TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 13-10-14**
- EXT.P5 - TRUE PHOTOCOPY OF THE NOTICE ISSUED BY THE SECOND RESPONDENT TO THE THIRD RESPONDENT DATED 10-10-2014**
- EXT.P6 TRUE PHOTOCOPY OF THE ORDER ISSUED BY SECOND RESPONDENT DATED 11-11-2014**

RESPONDENT(S)' EXHIBITS:-

- EXT.R3(a) COPY OF THE MEASUREMENT OF MILK GIVEN BY THE SECRETARY OF THE 1ST RESPONDENT**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31478 OF 2014

Dated this the 02nd day of February, 2015

JUDGMENT

Ext. P6 order impugned in this writ petition is appealable. An appeal lies under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969. The matter pertains to the disqualification of the third respondent from continuing as a member of the Managing Committee. The dispute involves factual adjudication for which an appeal is the proper remedy.

2. Any appeal filed against Ext.P6 order within one month from today shall be dealt with by the Government within two months therefrom. The third respondent shall be provisionally permitted to continue as a member of the Managing Committee till the appeal is disposed of. Ext. P6 order will enure to the benefit of the third respondent in case the petitioner omits to file the appeal within the time specified.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS