

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. 31945 of 2014 (P)

PETITIONER:

STEPHEN, S/O. CHELLAPPAN,
SHEENA BHAVAN, VAZHUTHOOR,
NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI. P. V. BABY

RESPONDENTS:-

1. IRUMBIL DAIRY PRODUCERS CO-OPERATIVE SOCIETY LTD. NO. T. 189(D),
ABCOS, NEYYATTINKARA, TRIVANDRUM DISTRICT
REPRESENTED BY SECRETARY - 695 121.

2. DAIRY DEVELOPMENT OFFICER,
ATHIYANOOR, NEYYATTINKARA,
TRIVANDRUM DISTRICT - 695 121.

3. DEPUTY DIRECTOR OF DAIRY DEVELOPMENT,
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT DEPARTMENT,
TRIVANDRUM - 695 001.

Addl. 4. T. BINU, AGED 34 YEARS,
S/O. THANKAPPAN, B. S. BHAVAN,
THAVARAVILA, ARUVIPPURAM P.O.

Addl. 5. RAJU, AGED 66 YEARS, S/O. YOVEN,
R. G. SADANAM, KUNNATHUKONAM
IRUMBIL, ARUVIPPURAM P.O.

ADDL. R4 AND R5 ARE IMPEADED AS PER ORDER DATED 16.12.2014 IN IA
16824/2014.

R4-R5 BY ADV. SRI. R. T. PRADEEP
R1 BY ADV. SRI. T. KANANDA KRISHNAN
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

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

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 A TRUE PHOTOSTAT COPY OF THE RELEVANT PAGES OF THE BYELAW OF THE 1ST RESPONDENT SOCIETY CONTAINING CLAUSE 1 AND 3.
- EXHIBIT P2 A TRUE PHOTOSTAT COPY OF THE SALE DEED NO.1285/2012 DATED 07.06.2012 OF THE SRO NEYYATTINKARA.
- EXHIBIT P3 A TRUE PHOTOSTAT COPY OF THE ENCUMBRANCE CERTIFICATE DATED 23.10.2014 ISSUED BY THE OFFICE OF THE SRO, NEYYATTINKARA.
- EXHIBIT P4 A TRUE PHOTOSTAT COPY OF THE NOTICE DATED 15.11.2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 31945 OF 2014

Dated this the 15th day of January, 2015

JUDGMENT

It is reported that a final order has been passed pursuant to Ext.P4 notice disqualifying the petitioner from being a member of the first respondent Society. The said order of disqualification is very much appealable under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969.

2. The petitioner is also free to apply for interim reliefs in the appeal if any filed against the order of disqualification. The order of disqualification shall be enforced only after a period of three weeks to enable the petitioner to work out his statutory remedy if so desired.

3. Needless to say that respondents additionally impleaded as R4 and R5 in this writ petition shall also be made parties to the appeal if any filed. The writ petition challenging Ext.P4 notice has now become infructuous in view of the subsequent developments.

WP(C) No. 31945/2014

4. The order of disqualification if not hitherto been dispatched shall be served on the petitioner and also on additional respondents 4 and 5 on usual terms.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd