

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 32906 of 2015 (K)

PETITIONER:

SHANMUGHADAS, AGED 57 YEARS,
S/O. SUBRAMANIAN, CHAIRMAN,
KANAYANNUR CIRCLE CO-OPERATIVE UNION,
SAHAKARANA BHAVAN, KOCHI - 682 016,
RESIDING AT THOTTUNGAL HOUSE, HALIFAX ENCLAVE,
PUTHUKKALAVATTAM, KOCHI - 682 026.

BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE
SRI.T.KOSHY

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.
3. STATE CO-OPERATIVE UNION,
REPRESENTED BY ITS SECRETARY,
SAMSTHANA SAHAKARANA BHAVAN, OOTTUKUZH, THIRUVANANTHAPURAM - 695 001.

R3 BY ADV. SRI.MOHAMMED NIAS.C.P., SC
R BY SRI. K.C. VINCENT, SR. GOVERNMENT PLEADER
R BY SRI.MOHAMMED NIAS.C.P., SC, STATE CO-OPERATIVE UNION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

P1 - TRUE COPY OF THE NOTIFICATION NO. PT 15207/2015 DT. 31.3.2015 OF REGISTRAR OF CO-OPERATIVE SOCIETIES.

P2 - TRUE ENGLISH TRNASLATION OF EXT. P1.

P3 - TRUE COPY OF THE LETTER NO. 416/KCCU/2015 DT. 14.5.2015 OF THE ASSISTANT DIRECTOR OF CO-OPERATIVE SOCIETIES (AUDIT).

P4 - TRUE COPY OF THE LETTER NO. 416/KCU/2015.

P5 - TRUE ENGLISH TRNASLATION OF EXT. P4.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 32906 of 2015 (K)

Dated this the 6th day of November, 2015.

JUDGMENT

The petitioner, the Chairman of the Kanayannur Circle Co-operative Union, has a grievance that though the elections were held on 14.05.2015, so far the Government has not taken steps to constitute the Board of Directors.

2. The learned counsel for the petitioner has submitted that despite the absence of any hurdle, the authorities are not inclined to constitute the Board of Directors to enable the democratically elected members to take over the reigns of the Circle Co-operative Union.

3. In this regard, the learned counsel has drawn my attention to Ext.P3, which is the communication from the Returning Officer to the Registrar of Co-operative Societies concerning the Directors who had been elected. The learned counsel has also submitted that acting on Ext.P3, the Registrar sought further information from the Secretary/Assistant Registrar, who, in turn, sent Ext.P4 communication to the Registrar affirming that the Directors have

been elected.

4. The learned Government Pleader, on the other hand, has submitted that recently with a view to re-constituting certain Circle Co-operative Unions and also to forming certain new ones, the Government has issued orders postponing the elections to most of the Circle Co-operative Unions. He has, nevertheless, submitted that the Circle Co-operative Union represented by the petitioner had its election prior to the Government interdicting further elections.

5. Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the 3rd respondent, apart from perusing the record.

6. It is evident that the elections to the Circle Co-operative Union represented by the petitioner was held prior to the interdiction of other elections by the Government. As can be seen from Exts.P3 and P4, I do not find any legal impediment for the Government to notify the Board of Directors, so that the newly elected team could look after the affairs of the Kanayannur Circle Co-operative Union.

In the facts and circumstances, having regard to the submissions of the learned Counsel for the petitioner and the learned

Government Pleader, this Court disposes of the writ petition with a direction to the first respondent to take expeditious steps to notify the Board of Directors, subject to all other statutory parameters. Given the fact that the term of the present Board of Directors is to come to an end by 12.11.2015, the Government shall take all necessary steps to ensure that the newly elected Board of Directors assumes charge by then. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

