

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 33182 of 2015 (W)

PETITIONER : -

THE BOARD OF DIRECTORS OF THE TIRUR SERVICE CO-OP. BANK
LIMITED No. 4140, P.O. TIRUR,
THRISSUR - 680 581, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI. P. C. SASIDHARAN

RESPONDENTS : -

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
THRISSUR - 680 001.
2. THE ENQUIRY OFFICER, APPOINTED FOR CONDUCT OF
ENQUIRY UNDER SECTION 65(1) (ASSISTANT REGISTRAR (GENERAL),
THRISSUR, KOLAZHI UNIT, THRISSUR - 680 001.
3. HARI P., PEZHUMKATTIL HOUSE,
POTTORE P.O., THRISSUR DISTRICT - 680 581.

BY SR. GOVERNMENT PLEADER SRI. K. C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33182 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : COPY OF THE ORDER ISSUED BY THE 1st RESPONDENT ALONG
WITH ITS ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 33182 of 2015

Dated this the 03rd day of November, 2015

JUDGMENT

The petitioner is the Board of Directors of the Tirur Service Co-operative Bank Limited, the members of which have a grievance that though an enquiry was conducted under Section 65 of the Kerala Co-operative Societies Act, the members of the Board, the affected persons, have not been put on notice, much less heard, by the authorities before proceeding further. Accordingly, they approached this Court assailing all further proceedings pursuant to the enquiry under Section 65 of the Act.

2. The learned counsel for the petitioner placing reliance on **Thiruvalla East Co-operative Bank Ltd. v. Joint Registrar¹** has strenuously contended that the law mandates that once the enquiry under Section 65 of the Act is over, the affected persons and the Society shall be furnished a copy of the enquiry report and thereafter be heard. According to him, only after hearing those persons is it possible for the enquiry officer to proceed further.

¹ 2009 (4) KLT 378

3. The learned Government Pleader, on his part, has submitted that the first respondent will serve the copy of the enquiry report on the Board of Directors of the Society and thereafter follow the procedure statutorily mandated.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, especially going by the ratio of this Court in **Thiruvalla East Co-operative Bank Ltd.** (*supra*), disposes of the writ petition directing the first respondent to serve a copy of the enquiry report on the petitioner, hear them and thereafter proceed further in accordance with law. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-