

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936**

**WP(C).No. 33899 of 2014 (J)**  
-----

**PETITIONERS:**  
-----

- 1. UDAYAGIRI SERVICE CO-OPERATIVE BANK LTD NO. I - 41  
PRAKASH P.O. KATTAPPANA, IDUKKI DISTRICT  
REPRESENTED BY ITS SECRETARY, SANOJ SEBASTIAN.**
- 2. REGHUNATHAN  
ADMINISTRATIVE COMMITTEE MEMBER  
UDAYAGIRI SERVICE CO-OPERATIVE BANK LTD.NO.I-41  
RESIDING AT NELLAMKUZHIYIL HOUSE  
M.K.PADY P.O.PUSHPAGIRI, IDUKKI DISTRICT.**

**BY ADVS.SRI.P.V.BABY  
SRI.A.N.SANTHOSH**

**RESPONDENTS:**  
-----

- 1. THANKAMANY SERVICE CO-OPERATIVE BANK LTD NO. K 281  
THANKAMANI P.O., IDUKKI DISTRICT  
REPRESENTED BY ITS SECRETARY - 685 515**
- 2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)  
IDUKKI - 685 603.**

**BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

---

- EXT.P-1:        A TRUE PHOTOSTAT COPY OF THE RELEVANT PAGES OF 1 AND 4  
                     OF THE BYELAW OF THE PETITIONER SOCIETY.**
- EXT.P-2:        A TRUE PHOTOSTAT COPY OF THE RELEVANT PAGES OF 1 AND 4  
                     OF THE BYELAW OF THE 1ST RESPONDENT BANK.**
- EXT.P-3:        A TRUE PHOTOSTAT COPY OF THE ORDER DATED 21.2.2014  
                     ISSUED BY THE 2ND RESPONDENT**
- EXT.P-4:        A TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED NIL  
                     SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT**
- EXT.P-5:        A TRUE COPY OF THE COMMUNICATION DATED 30.10.2014 ISSUED  
                     BY THE 2ND RESPONDENT TO THE 1ST PETITIONER**

**RESPONDENT(S)' EXHIBITS:- NIL**

---

**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

-----  
**W.P.(C). NO. 33899 OF 2014**  
-----

Dated this the 13<sup>th</sup> day of January, 2015

**JUDGMENT**

The area of operation of the first petitioner bank extends to the place 'Prakash' as evident by Ext. P1 registered bye-laws. The petitioners are aggrieved by Ext. P3 order whereunder the first respondent bank has been permitted to open a branch at 'Prakash'.

2. The petitioners have in this regard moved the second respondent by Ext.P4 representation. The petitioners assert that such opening of a branch would not be in the best interest of the co-operative movement.

3. The petitioners rely on Section 7(1)(c) and Section 74B(2) of the Kerala Co-operative Societies Act. Reliance is also placed on Rule 4(v) of the Kerala Co-operative Societies Rules in this regard. The second respondent has issued a peremptory direction in Ext. P5 order to the first respondent bank.

4. It is admitted that the matter is engaging the attention of the second respondent. It is only proper that the

second respondent takes the proceedings to a logical end. The needful shall be done with notice to the petitioners as well as to the first respondent bank. Every endeavour shall be made to take a final decision within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS