

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 34102 of 2015 (K)

PETITIONERS:

1. THE BOARD OF DIRECTORS OF THE KERALA STATE CO-OPERATIVE HOSPITAL COMPLEX AND CENTRE FOR ADVANCED MEDICAL SERVICES LTD. KERALA,
REPRESENTED BY ITS CHAIRMAN, PARIYARAM,
KANNUR DISTRICT.
2. M.V.JAYARAJAN,
CHAIRMAN,
KERALA STATE CO-OPERATIVE HOSPITAL COMPLEX AND CENTRE
FOR ADVANCED MEDICAL SERVICES LTD. KERALA
PARIYARAM, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL),
KANNUR-670 001.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL),
KANNUR-670 001.
3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL),
THIRUVANANTHAPURAM-695 001.
4. THE STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM-695 001.

R BY SRI. D. SOMASUNDARAM, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1.A TRUE COPY OF THE BYE LAWS OF THE SOCIETY.

EXT.P2.A TRUE COPY OF THE RESOLUTION DATED 8/10/2015 OF THE 1ST PETITIONER COMMITTEE.

EXT.P2(A)1.A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P2.

EXT.P3.A TRUE COPY OF THE REQUEST ALONG WITH THE PROFORMA PRESCRIBED FOR FURNISHING DETAILS FOR APPOINTMENT OF ELECTORAL OFFICER AND RETURNING OFFICER.

EXT.P3(a).A TRUE COPY OF THE MALAYALAM PORTION OF EXT.P3.

EXT.P4.A TRUE COPY OF THE RELEVANT EXTRACT OF THE CIRCULAR DATED 25/7/2007 ISSUED BY THE STATE CO-OPERATIVE ELECTION COMMISSION.

EXT.P4(A).A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P4.

EXT.P5: TRUE COPY OF THE LETTER DATED 07.05.2015 SUBMITTED BY THE SOCIETY TO THE VIGILANCE DY.SP.

EXT.P5(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P6: TRUE COPY OF THE RELEVANT EXTRACT FROM THE REPLY DATED 25.05.2015 ISSUED BY THE VIGILANCE DYSP TO THE SOCIETY.

EXT.P6(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 34102 of 2015

Dated this the 12th day of November, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Special Government Pleader, apart from perusing the record.

2. The first petitioner, the Board of Directors of the Kerala State Co-operative Hospital Complex, and the second petitioner, its Chairman, have filed the present writ petition impugning the action of the Joint Registrar, the first respondent, in not forwarding the society's resolution to the Election Commission.

3. Earlier, on instructions, the learned Government Pleader has submitted that it could not be forwarded by the first respondent for the reason that the petitioner society did not produce the Form-6B register, which is mandatory.

4. Today, the learned counsel for the petitioner has reported that, initially the Form-6B register was with an Investigating Agency; but now on the request of the society, it has been returned. He has further submitted that it has already been submitted to the first respondent.

5. In response, the learned Government Pleader has submitted that the 1st respondent has no objection to peruse the form 6B register to ensure that it is in order and forward the society's resolution to the Election Commission.

6. In the facts and circumstances, this Court directs the first respondent to expedite the process and forward the petitioner society's resolution to the Election Commission, who on its receipt shall take expeditious steps to ensure that the election is held on time.

7. After disposal of the writ petition, before noon, the learned counsel for the petitioners has made a special mention and submitted that in the morning he mentioned before the Court that the petitioner Society had already sent Form 6B register to the first respondent. However, he has now got information that when the officials of the petitioner Society took the form 6B register to the office of the first respondent, they found no other person than an Attender in the office. He has also submitted that when they made effort to hand over the register to the Attender, he told them that he had instructions not to receive any files without the express leave of the

Joint Registrar.

8. The learned counsel for the petitioners has further submitted that the Managing Director of the petitioner society has informed him that the first respondent is instructed his staff in the office to report to the Managing Director that they could take the register back to the society and that the first respondent himself or his deputy would visit the office for verifying the registers.

9. The learned counsel has voiced apprehension to the effect that the first respondent may not visit the petitioner society in near future and it would eventually result in further delay. According to him, unless there is a specific direction from this Court to the first respondent either to accept Form- 6B register in his office today or visit the petitioner society within a short span of time to verify the records, it is not possible for the Election Commission to hold elections on time.

10. In response, the learned Government Pleader, on instructions, has submitted that the first respondent will depute an Inspector to the petitioner Society to verify the records by tomorrow itself.

11. It is thus made clear that on such verification the first respondent shall forward the petitioners Exhibit P2 resolution along with Exhibit P3 request to the Election Commission.

The writ petition is disposed of. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv/DMR