

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 34505 of 2014 (K)

PETITIONER(S):

1. ADV M.C BINUKUMAR, AGED 64 YEARS,
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.
2. K.U.VARGHESE
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER,
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.
3. K.V.GOVINDAN
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER,
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.
4. E.RAMESH BABU
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.
5. P.I.KUMARAN
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.
6. P.VIJAYALEKSHMI
MEMBER, BOARD OF DIRECTORS OF THE KERALA KERAKARSHAKA
SAHAKARANA FEDERATION LTD NO. 4370 (KERAFED), KERA TOWER
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT(S):

1. THE SECRETARY TO GOVERNMENT
AGRICULTURE (IFA) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001.
2. DIRECTOR OF AGRICULTURE
OFFICE OF THE DIRECTOR OF AGRICULTURE, VIKAS BHAVAN
THIRUVANANTHAPURAM 33.
3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM - 695 001
4. THE MANAGING DIRECTOR
KERALA KERAKARSHAKA SAHAKARANA FEDERATION LTD NO.
4370 (KERAFED), KERA TOWER
WATER WORKS COMPOUND, VELLAYAMBALAM
THIRUVANANTHAPURAM 695 033.

R BY SPL. GOVERNMENT PLEADER SRI.D.SOMASUNDARAM
R BY SRI.GEORGE POONTHOTTAM, SC, KERAFED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34505 of 2014 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE ORDER DATED 23.10.14 IN WPC 15562/2013.

EXHIBIT P2. COPY OF THE MINUTES OF THE MEETING DATED 28.10.2014.

EXHIBIT P3. COPY OF THE MINUTES OF THE MEETING DATED 11.11.14.

EXHIBIT P4. COPY OF THE MINUTES OF THE MEETING DATED 21.11.14.

EXHIBIT P5. COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONERS
DATED 21.11.14.

EXHIBIT P6. COPY OF THE RESOLUTION ADOPTED BY THE ELECTED MEMBERS OF
THE SOCIETY DATED 21.11.14.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.34505 of 2014

Dated this the 21st day of January, 2015

J U D G M E N T

The term of the managing committee of Kerala Kerakarshaka Sahakarana Federation Ltd.No.4370 (KERAFED) is to expire shortly on 22.1.2015. Necessarily Administrator/Administrative committee has to be appointed in terms of Section 33 of the Kerala Co-operative Societies Act, 1969 till a new committee assumes office.

2. The second respondent Registrar shall explore the possibility of appointing three members of the existing managing committee to be the Administrative Committee in the interregnum. Preference shall be given to those who have hitherto attended the meetings regularly which would reflect their eagerness in the management of the KERAFED.

3. Needless to say that persons against whom proceedings under Section 65 or 66 of the Kerala Co-operative Societies Act have hitherto been initiated shall be excluded. The persons who have incurred disqualification to continue as a Member of the managing committee shall also not be preferred.

4. Steps may also be taken to pass a resolution in terms of Rule 35A of the Kerala Co-operative Societies Rules, 1969 to conduct the election to the new managing committee. It shall be ensured that the new managing committee assumes office not later than six months from the date of appointment of the Administrator/Administrative Committee.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.