

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 35130 of 2014 (M)

PETITIONER:

GEORGE HENRY, AGED 52 YEARS,
S/O.JOHN, CHERUTHURUTHY HOUSE, EDAYAKUNNAM,
POST SOUTH CHITTOOR, ERNAKULAM DISTRICT

BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001.
2. THE STATE CO-OPERATIVE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM 695 001.
3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
ERNAKULAM 682 016.
4. THE CHERANALLOOR SERVICE CO-OPERATIVE BANK LIMITED NO.62.
REPRESENTED BY ITS SECRETARY, CHERANALLOOR PO.,
ERNAKULAM 682 034.

R BY GOVERNMENT PLEADER SRI.D.SOMASUNDARAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35130 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 COPY OF THE RELEVANT PAGES OF THE AMENDMENT OF KERALA
CO-OPERATIVE SOCIETIES ACT BY G.O. NO. 142/2014 DATED
25/11/2014

EXHIBIT P2 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 14/12/2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.35130 of 2014

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioner laments that steps are afoot to conduct the election to the Board of Directors of Cheranalloor Service Co-operative Bank as per the unamended provisions. My attention was drawn to Rule 18A of the Kerala Co-operative Societies Rules, 1969 brought in by amendment dated 25.11.2014. Reliance is also placed on the decision in Gopalakrishnan v. State of Kerala [2011 (3) KLT SN.51 (Case No.48)] to contend that the election should be conducted in consonance with the amended provisions of the Kerala Co-operative Societies Act.

2. The Special Government Pleader appearing on behalf of respondents 1 to 3 does not dispute the preposition of law canvassed by the petitioner. It is for the second respondent before whom Ext.P2 representation is pending to deal with the same and take the remedial steps. The election has to be conducted only in accordance with Rule 18A of the Rules afore-quoted for which the election may have to be postponed.

3. I direct the second respondent to consider Ext.P2 representation with notice to the petitioner as well as the fourth respondent. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment. Further proceedings for the conduct of the election shall go on only dependent on the orders passed on Ext.P2 representation.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.