

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 35296 of 2014 (J)

PETITIONER(S):

M. G. VIJAYAKUMAR, MAVANAVILA VEEDU,
MAILAM P.O, KOTTARAKKARA, KOLLAM.

BY ADVS. SRI. A. JAYASANKAR
SRI. C. V. MANUVILSAN
SRI. MANU GOVIND
SMT. B. MEERA
SMT. K. VIDYA
SMT. A. ANJANA
SRI. S. SABARINADH
SMT. INDULEKHA JOSEPH
SMT. K. PAMRUTHA

RESPONDENTS:

1. THE GOVERNMENT OF KERALA REPRESENTED BY
THE SECRETARY TO THE CO-OPERATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001
2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOLLAM 691 001
3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOTTARAKKARA 691 531
4. THE THAMARAKUDY SERVICE CO-OPERATIVE BANK,
THAMARAKUDY P.O., KOTTARAKKARA 691 531
REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF NOTICE DATED 01-03-2013 FROM THE 2ND RESPONDENT
ALONG WITH 68(1) REPORT
- EXHIBIT P2 COPY OF THE APPEAL MEMORANDUM DATED 09-05-2013 WITHOUT
ANNEXURES
- EXHIBIT P3 COPY OF JUDGMENT DATED 29-07-2013 IN WPC 18773/2013
- EXHIBIT P4 COPY OF AFFIDAVIT AND PETITION DATED 09-08-2013 RAISING
ADDITIONAL GROUNDS IN EXHIBIT P2 APPEAL
- EXHIBIT P5 COPY OF ORDER NO GO(RT) 637/2013/CO-OP DATED 05-10-2013 ISSUED
BY THE 1ST RESPONDENT
- EXHIBIT P6 COPY OF ORDER NO CRP 7464/2011 DATED 31-10-2013 FROM THE 2ND
RESPONDENT
- EXHIBIT P7 COPY OF THE LETTER NO 2049/2013 DATED 13-03-2014
- EXHIBIT P8 COPY OF THE REPLY DATED 24-03-2014, FROM THE PETITIONER TO THE
ENQUIRY OFFICER
- EXHIBIT P9 COPY OF THE LETTER DATED 24-03-2014 FROM THE ENQUIRY OFFICER
APPOINTED UNDER EXHIBIT P6, BY THE 2NBD RESPONDENT
- EXHIBIT P10 COPY OF EXPLANATION DATED 03-04-2014 ALONG WITH ITS ENCLOSURE
- EXHIBIT P11 COPY OF THE NOTICE NO CRP 7464/2011 DATED 20-09-2014
- EXHIBIT P12 COPY OF THE REPRESENTATION DATED 04-10-2014 FROM THE
PETITIONER TO THE 2ND RESPONDENT
- EXHIBIT P13 A TRUE COPY OF ORDER NO CRP 7464/2011 DATED 21-10-2014
- EXHIBIT P14 COPY OF APPEAL DATED 11-12-2014, ALONG WITH STAY PETITION BEFORE
THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 35296 OF 2014

Dated this the 22nd day of January, 2015

JUDGMENT

Ext.P13 order passed in proceedings for surcharge under Section 68 of the Kerala Co-operative Societies Act, 1969 is under appeal. Ext.P14 appeal filed by the petitioner in this regard is pending consideration with the first respondent.

2. I direct the first respondent to consider Ext.P14 appeal with notice to the petitioner and the fourth respondent bank. The needful shall be done within a period of four months from the date of receipt of a copy of this judgment.

3. No coercive steps shall be taken against the petitioner pursuant to Ext.P13 order till Ext.P14 appeal is disposed of as directed.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd