

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 35787 of 2015 (S)

PETITIONER :

**SREEDHARAN NAIR
S/O. RAMAN NAMBIAR, AGED 60 YEARS
PRABHA HOUSE, CHEMANCHERRY P.O.,
POOKKAD, KOYILANDY, PIN – 673 304
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.U.P.BALAKRISHNAN
SRI.ABDUL RAOOF PALLIPATH
SRI.K.R.AVINASH (KUNNATH)**

RESPONDENT(S) :

- 1. THE GOVERNMENT OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT INSTITUTIONS DEPARTMENT
THIRUVANANTHAPURAM.**
- 2. THE KERALA RURAL EMPLOYMENT AND WELFARE SOCIETY
REPRESENTED BY IT'S SECRETARY
SWARAJ BHAVAN, BASEMENT (-I) NORTH BLOCK
NANTHANCODE, KOWDIAR
THIRUVANANTHAPURAM , PIN – 695 003.**
- 3. SOOPPY NARIKKATTERI, CHAIRMAN
THE KERALA RURAL DEVELOPMENT AND WELFARE SOCIETY
SWARAJ BHAVAN, BASEMENT (-I) NORTH BLOCK
NANTHANCODE, KOWDIAR
THIRUVANANTHAPURAM , PIN – 695 003.**
- 4. C.K. ABDUL RAZAK
S/O. HUSSAIN, CHENGANAKKATTIL, PERUMANNA
P.O. VAZHAKKULAM, MALAPPURAM DISTRICT
PIN – 679 325.**

5. REMAKUMARI VIMALAMMA RAMANKUTTY NAIR
NALUKETTU VILAKATH, MALAYANKEEZH P.O.,
THIRUVANANTHAPURAM, PIN – 695 571.
6. HARNAD VIGNESWAR BHAT
S/O. GOPALAKRISHNA BHAT, MANATTIKKUNDU HOUSE
P.O. KOLICHAL, KASARGOD DISTRICT
PIN – 671 532.
7. VINODKUMAR
S/O. SUGHDEV, PANDAVATH HOUSE
P.O. PALLANA, ALAPPUZHA DISTRICT
PIN – 690 515.
8. KERALA GRAMA JYOTHI LIGHTING PRIVATE LIMITED
REPRESENTED BY MANAGING DIRECTOR
MP 1/378A, KINFRA SMALL INDUSTRIES
P.O. MAIPADY, KASARGOD DISTRICT
PIN – 671 124.

R1 BY SR. GOVT. PLEADER SRI. P.I. DAVIS
R3 BY SENIOR ADVOCATE SRI.S.SREEKUMAR
BY ADVS. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE MEMORANDUM AND ARTICLES OF ASSOCIATION OF KREWS.**
- EXT.P2 COPY OF THE GOVT. ORDER DATED 2.3.2015.**
- EXT.P3 COPY OF THE PUBLIC PRIVATE PARTNERSHIP AGREEMENT DATED 17.6.2015.**
- EXT.P4 COPY OF THE MEMORANDUM OF ASSOCIATION AND ARTICLES OF ASSOCIATION OF KERALA GRAM JYOTHI LIGHTING PRIVATE LIMITED.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 35787 OF 2015

Dated this the 30th day of November, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. The petitioner has filed this writ petition as Public Interest Litigation seeking for the following reliefs:

"i) issue a writ of mandamus or such other writ or order directing the 2nd respondent to withdraw the respondent 3 from the chairmanship and 4 to 7 from the directorship of the Kerala Grama Jyothi Lighting Private Limited company.

ii) issue a writ of quo-warranto or any other writs declare that the respondents number 3 to 7 are not eligible to hold the post of directorship in the Kerala Grama Jyothi Lighting Private Limited company."

3. The petitioner is stated to be a resident of Chemancherry Grama Panchayat of Kozhikode District. The 2nd respondent, Kerala Rural Employment and Welfare Society is an autonomous society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act,

1955. The 3rd respondent is the Chairman of the 2nd respondent Society. Respondent Nos.4 to 7 were appointed by the Government of Kerala as Directors of the 2nd respondent Society. The 2nd respondent entered into a public-private partnership with 8th respondent-M/s.Kerala Grama Jyothi Lighting Private Limited. The Memorandum of Association of 8th respondent has been brought on record by the petitioner as Ext.P4. The petitioner's prayer in the writ petition is to withdraw the 3rd respondent from the Chairmanship and respondents 4 to 7 from the Directorship of 8th respondent firm.

4. Learned Government Pleader submits that the prayer of the petitioner is even contrary to the Memorandum of Association of 8th respondent Company. Be that as it may, the issues which are sought to be raised in the writ petition relates to continuance or non-continuance of private respondents as Chairman and Directors of a private company, which cannot be entertained in this Public Interest Litigation.

Petitioner is free to take such remedy as permissible under the Companies Act or other statutory forum available to the petitioner.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**