

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 36003 of 2015 (A)

PETITIONER:

P.K.APPUKUTTAN, PRESIDENT,
VADAKKEMURI COIR VYAVASAYA
CO-OPERATIVE SOCIETY LTD.NO.571,
UDAYANAPURAM P.O., ALAPPUZHA.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. THE REGISTRAR OF COIR CO-OPERATIVE SOCIETIES/
DIRECTOR OF COIR DEVELOPMENT DEPARTMENT,
COIR BHAVAN, SASTHAMANGALAM,
THIRUVANANTHAPURAM-695010.
2. KERALA STATE CO-OPERATIVE COIR MARKETING
FEDERATION LTD.NO.679, P.B.NO.4646,
ALAPPUZHA-688001 REP. BY ITS MANAGING DIRECTOR.

R1 BY SR.GOVERNMENT PLEADER
R2 BY SRI.JOBY CYRIAC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPPC 26003/2015

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE SHARE CERTIFICATE EVIDENCING THAT VADAKKEMURI CVCS IS A MEMBER OF THE FIRST RESPONDENT

EXT. P2 TRUE COPY OF THE BYE-LAW APPROVED BY THE GENERAL BODY MEETING FORWARDED TO THE REGISTRAR OF CO-OPERATIVE SOCIETIES, COIR FOR HIS APPROVAL

EXT. P3 TRUE COPY OF THE NOTICE WITH ENGLISH TRANSLATION

EXT. P4 TRUE COPY OF THE PROPOSED AMENDMENT

EXT. P5 TRUE COPY OF THE REPRESENTATION

EXT. P6 TRUE COPY OF THE ACKNOELEDGEMENT CARD

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.36003 of 2015 A

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner, the elected President of the Managing Committee of Vadakkemuri Coir Vyavasaya Co-operative Society, being the delegate of the second respondent Federation, has a grievance that the second respondent Federation has proposed to amend its bye-laws, inter alia, raising the strength of the Board of Directors to twenty five from the present strength of twenty three. To the said effect, it has got Exhibit P4 proposed amendment approved by the General Body. When the proposal was sent to the first respondent, the petitioner submitted Exhibit P5 objection.

2. Now, the petitioner apprehends that without considering his objection the first respondent may proceed further with the matter.

3. The learned counsel for the petitioner has submitted that in terms of the amended Section 28(1A) of the Kerala Co-operative Societies Act, 1969, the Statute imposes a cap on the maximum members a Committee of a society can have. According to the learned counsel, the second respondent Federation, being an Apex one, can have a maximum of twenty one Directors.

4. Indeed, the learned Government Pleader, on his part, has submitted that apart from twenty one members permissible, the Government can nominate certain other Directors as per Section 31 of the Act.

5. In the facts and circumstances, I do not desire to enter into the dispute and adjudicate the issue on merits, lest it should affect the quasi judicial powers of the first respondent.

6. Be that as it may, suffice it to observe that the petitioner is at liberty to raise all his objections before the

first respondent as and when Exhibit P4 proposed amendment is taken up for approval.

7. Needless to observe that at the time of the first respondent's considering Exhibit P4 for registration, he may as well put the petitioner on notice. Eventually, the first respondent shall ensure the service of the order to be passed on the petitioner as well.

With the above observations, the writ petition stands disposed of. No order as to costs.

Dama Seshadri Naidu, Judge

tkv