

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 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C) .No. 38939 of 2015 (N)

PETITIONER(S) :-

1. OACHIRA SERVICE CO-OPERATIVE BANK LTD NO. 1391,
OACHIRA P.O., PIN - 690 526
REPRESENTED BY ITS SECRETARY.
2. AMBAT ASHOKAN, CONVENOR, ADMINISTRATIVE COMMITTEE,
OACHIRA SERVICE CO-OPERATIVE BANK LTD NO.1391,
OACHIRA P.O., PIN - 690 526.

BY ADV. DR.K.P.PRADEEP

RESPONDENT(S) :-

1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY
(CO-OPERATION), GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM - 695 001.
2. DISTRICT COLLECTOR/DISTRICT MAGISTRATE,
KOLLAM, CIVIL STATION, KOLLAM.
3. CITY POLICE COMMISSIONER, KOLLAM CITY, KOLLAM.
4. KERALA STATE CO-OPERATIVE ELECTION COMMISSION,
CO-BANK TOWERS, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033.
5. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
JR OFFICE, KOLLAM.
6. ELECTORAL OFFICER/ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, (GENERAL), DEPARTMENT OF CO-OPERATION,
KARUNAGAPALLY, KOLLAM.
7. RETURNING OFFICER/A&E-I INSPECTOR,
O/O THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
(GENERAL), DEPARTMENT OF CO-OPERATION,
KARUNAGAPALLY, KOLLAM.

8. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF CI OF POLICE, KARUNAGAPPALLY, KOLLAM.
9. THE SUB INSPECTOR OF POLICE,
OACHIRA POLICE STATION, OACHIRA, KOLLAM - 690 526.
10. P.B.SATHYADEVAN, PERUTHARA,
VALIYAKULANGARA, OACHIRA P.O., KOLLAM - 690 526.
11. N.RAJAPPAN, GOWRI NILAYAM,
CHANGANKULANGARA, VAVVAKAVU P.O.,
OACHIRA, KOLLAM - 690 526.
12. ANIL PUNTHALA, PUNTHALA KRISHNAAMRUTHAM,
VALIYAKULANGARA, OACHIRA P.O., KOLLAM - 690 526.
13. K.RAVI KURUP, POOVANNAANVEEDU,
CHANGANKULANGARA, VAVVAKKAVVU P.O., KOLLAM - 690 526.
14. MANAKKAL SOMAN, MANAKKAL HOUSE,
PAAYIKUZHI, OACHIRA P.O., KOLLAM - 690 526.
15. NOUSHAD K., SECRETARY, LOCAL COMMITTEE
COMMUNIST PARTY OF INDIA, OACHIRA LOCAL COMMITTEE,
OACHIRA P.O., KOLLAM - 690 526.
16. SECRETARY, LOCAL COMMITTEE COMMUNIST PARTY OF INDIA
(MARXIST), OACHIRA LOCAL COMMITTEE,
OACHIRA P.O., KOLLAM - 690 526.
17. ANITHA L. CHEMBUVILAYIL VEEDU,
VALIYAKULANGARA, OACHIRA P.O., KOLLAM - 690 526.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE NOTIFICATION No.E(1)
4226/2015/SCEC DATED 16-11-2015 ISSUED BY THE 4TH RESPONDENT.

EXT.P1(a) :- TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P2 :- TRUE COPY OF THE PETITION DATED 18-12-2015
SUBMITTED BY THE PETITIONERS.

EXT.P2(a) :- TRUE ENGLISH TRANSLATION OF EXT.P2.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.38939 of 2015

Dated this the 21st day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the State.

2. By this writ petition, the petitioners have prayed for a mandamus directing the 3rd respondent to provide adequate police protection for proper conduct of the election to the Managing Committee of the Oachira Service Co-operative Bank Ltd. No.1391, scheduled to be held on 27.12.2015.

3. The learned Government Pleader, after obtaining instructions, submits that, Circular No.28 of 2013 dated 20.11.2013 has already been issued by the State Police Chief instructing all police officers to ensure that election to the Managing Committees of Co-operative Societies are conducted smoothly without any disturbances to the law and order. The said circular has been issued in compliance of the Division Bench judgment dated 17.10.2013 in W.P.(C) No.24603 of

2013. It is useful to quote the directions issued by the State Police Chief on 20.11.2013, which read as follows:-

“1. The police should ensure that the elections to the managing committees of co-operative societies within their jurisdiction are conducted smoothly without any disturbances to the law and order.

2. On receiving information about any impending election, the concerned Station House Officer is to inquire with the Returning Officer as to whether or not he expects any disturbances in the election and if necessary provide such police assistance required to conduct the elections smoothly.

3. The District Police Chief will ensure that the orders of the High Court regarding the conduct of election to various co-operative societies are strictly complied with.”

4. In view of general directions as noted above, police authorities are obliged to take steps to ensure that elections are conducted peacefully without any disturbances. Returning Officer shall also request for necessary police assistance for conduct of election, if so required. There being already the above directions by Police Chief, as noted above, it is observed that, proper measures would be taken for conduct of election.

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-: 3 :-

The other prayers made in the writ petition need not be considered in this police protection matter and are left open.

With the above observations, the writ petition is disposed of.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

Jvt/21.12.2015.