AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 306 of 2015

Laxmi Mahila Nagrik Sahkari Bank Maryadit, through the Authorised Signatory, Laxmi Mahlia Nagrik Sahkari Bank Maryadit, Millennium Plaza Complex, GE Road, Raipur, Police Station Civil Lines, Civil and Revenue District Raipur, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through the Chief Secretary, Chhattisgarh Government, Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Mana, Civil and Revenue District Raipur, Chhattisgarh.

2. Secretary/Registrar, Department of Co-operative Societies, Chhattisgarh Government, Vivekanand Nagar, Pension Bada Chowk, Police Station- Mana, Civil and Revenue District Raipur, Chhattisgarh.

3. General Manager, Reserve Bank of India, Urban Banks Department, Central Office, 1st Floor, Garment House Worli, Mumbai, Police Station Worli, District Mumbai (Mah.)

4. Aruna Dixit D/o Late Y.D.Dixit, aged about 50 years, Aged about 50 years, Resident of Khapargunj, Bilaspur, Police Station Kotwali, Bilaspur, Tahsil Bilaspur, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondents

AND

Writ Appeal No. 342 of 2015

1. State of Chhattisgarh Through the Chief Secretary, Chhattisgarh Government, Mantralaya, Mahanadi Bhawan, Naya Raipur, PS Mana, Civil and Revenue District Raipur, Chhattisgarh.

2. The Secretary/Registrar, Department of Cooperative Societies, Chhattisgarh Government, Vivekanand Nagar, Pension Bada Chouck, Raipur, PS Civil Lines, Civil and Revenue District Raipur, Chhattisgarh

---- Appellants

Versus

1. Aruna Dixit D/o Late Y.D.Dixit, aged about 48 years, Aged about 50 years, R/o Khapargunj, Bilaspur, PS Kotwali, Bilaspur, Tahsil Bilaspur, Civil and Revenue District Bilaspur, Chhattisgarh.

2. General Manager, Reserve Bank of India, Urban Banks Department, Central Office, 1st Floor, Gaiment House, Worli Mumbai, PS Worli, District Mumbai (Mah.).

3. Laxmi Mahila Nagrik Sahkari Bank Maryadit, Through Managing Director, Laxmi Mahlia Nagrik Sahkari Bank Maryadit, Millennium Plaza Complex, GE Road, Raipur, PS Civil Lines, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Shri Kishore Bhaduri and Shri Prateek Sharma, Advocates.
For Respondent/State.	: Shri Prafull N Bharat, Additional Advocate General.
For Respondent-RBI	: Shri B.P.Sharma and Shri P.R. Patankar, Advocates.
For Respondent No. 4	: Shri Anup Majumdar, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

C A V Judgment

Per Navin Sinha, Chief Justice

05/04/2016

1. The present appeals arise from order dated 15.5.2015 allowing Writ Petition (C) No. 95 of 2014 preferred by Respondent No. 4. The Learned Single Judge held that the order dated 18.1.2011 passed by the Registrar Co-operative Societies under Section 18(1) of the Chhatisgarh Co-operative Societies Act (hereinafter referred to as 'the Act') approving amalgamation of the Bilasa Mahila Nagrik Sahkari Bank Maryadit, Bilaspur (hereinafter referred to as 'the Bilasa Bank') with the Appellant Bank (hereinafter referred to as 'the Laxmi Bank') was vitiated in law for non compliance with the statutory requirements under Section 16 of the Act and Rule 11 of the Chhattisgarh Co-operative Societies Rules (hereinafter referred to as 'the Rules'). The Authorised officer (read Administrator) was not competent to call the annual general meeting dated 7.11.2009 of the Bilasa Bank at which the resolution for merger/amalgamation was passed. The meeting had also not been convened after statutory notice period as required by law.

2. Learned Counsel for the Appellant Laxmi Bank submits that it was registered as a Co-operative bank under the Act on 4.4.1994 and granted banking licence by the Reserve Bank of India (hereinafter referred to as 'the RBI') on 19.5.1994. The term of the elected Board of Directors of the Bilasa Bank, of which Respondent No.4 was the Chairman, was to expire on 26.11.2007. Consequent to allegations of financial mismanagement, on the recommendation of the RBI, the Bilasa Bank was superseded for one year initially on 13.9.2006. Shri D.R.Thakur was appointed as Administrator. The order of supersession was not challenged. Under section 53 (1) of the Act the supersession of a banking co-operative society could be for upto five years. Supersession was then extended on 12.9.2007 for another year. It could not be brought to the attention of the Learned Single Judge that on 10.3.2008 a new Administrator Shri D S Thakur was appointed for the remaining period of supersession. On 31.12.2009 the supersession was ordered to be extended in continuity as the reasons for supersession still subsisted. The supersession was then again extended on 30.12.2010 for the period till 12.9.2011. None of these orders were challenged by Respondent No.4. The Learned Single Judge therefore erred in holding that the Administrator had no power to call the annual general meeting on 7.11.2009. There was no challenge to the minutes dated 7.11.2009 as having been convened without authority and neither had quashing of the same been sought. There was no occasion for the Learned Single Judge to set aside the same.

3. The Administrator had given the statutory notice on 21.10.2009 before calling the meeting on 7.11.2009. The finding to the contrary is an error of record. The procedure for merger/amalgamation under Section 16 of the Act and Rule 11 had been duly followed. The Learned Single Judge having opined that the meeting dated 7.11.2009 was convened illegally did not consider the minutes of the meeting at all and which discussions about the scheme for amalgamation. Sixty seven members of the Bilasa Bank including Respondent No.4 had attended the meeting and signed the attendance register. During the deliberations, none objected to the amalgamation except for Respondent No. 4

as is recorded in the minutes. If Respondent No.4 was aggrieved by the minutes of the meeting as not having been recorded correctly, she ought to have challenged it before the Registrar Co-operative Societies.

4. Any allegation of statutory non-compliance in convening the meeting or statutory procedures for amalgamation not having been complied with had to be specifically pleaded in the writ petition. There were no such pleadings. Thus, there was no occasion for the Learned Single Judge to hold that the annual general body meeting dated 7.11.2009 had been convened contrary to law or that the statutory procedures under section 16 and Rule 11 had not been followed. Grant of relief beyond the pleadings was therefore unsustainable.

5. The RBI had returned the proposal for amalgamation on 21.5.2010 due to certain deficiencies in due diligence report and closure of the financial year 2009-2010 which required fresh financial assessment by a Chartered Accountant as on 31.3.2010. After removing the deficiencies the Administrator of the Bilasa Bank on 15.6.2010 again forwarded the proposal for merger to the Laxmi Bank which gave its consent to the same on 26.5.2010. Satisfied, the RBI granted NOC to the Registrar of the Cooperative Societies for amalgamation leading to the consequential order dated 18.1.2011.

6. After such amalgamation, a fresh banking licence was granted to the Laxmi Bank on 19.1.2015 during the pendency of the writ petition. The banking licence of the Bilasa Bank was expressly cancelled by the RBI. These subsequent developments were never challenged by Respondent No.4 In any event Respondent No. 4 had no locus in the matter after expiry of the tenure of the Board of Directors of which she was the Chairman on 26.11.2007.

7. The order dated 18.1.2011 of the Registrar of the Cooperative Societies is only a consequential order. Unless the earlier orders of supersession and the minutes dated 7.11.2009 being original orders are first challenged, mere setting aside of the consequential order is immaterial as the original decision for amalgamation and approval of the same by the two Banks including the RBI remains valid.

8. Learned Additional Advocate General on behalf of the State primarily adopted the arguments on behalf of the Appellant Laxmi Bank. It was submitted that the Learned Single Judge had only quashed the consequential order dated 18.1.2011 and all subsequent actions. The supersession dated 13.9.2006 and general body resolution dated 7.11.2009 remain unaffected and valid including the approval by the RBI to the merger. Even if the order dated 18.1.2011 is set aside it will not revive the banking licence of the Bilasa Bank in absence of a specific challenge to the order dated 19.1.2015 passed by the RBI. The conclusion of the Learned Single Judge that the members of the Bilasa Bank were denied their say in the matter of amalgamation in absence of any scheme for reorganisation and merger is factually incorrect. What is best for the Society is for the Society to decide alone through its general body. The absence of a gazette publication under Section 16(12) of merger for general information does not vitiate the order of merger as publication was not a precondition for its enforcement as law but only for awareness of the general public considering that it was a co-operative bank. No consequence of non-publication has been provided.

9. Learned Counsel for the RBI submitted that mere registration of Bilasa Cooperative Society did not vest in it the right to carry on banking business. The use of the word 'Bank' by it was prohibited under Section 7 of the Banking Regulation Act, 1949 (for short 'the 1949 Act'). In order to carry out banking business a licence was required under Section 22 of the 1949 Act. By amendment in 1965, Part V was added in its application to Cooperative Banks. Section 56D amends Section 5A in its application to Co-operative Societies and provides that provisions of this Act would have the effect notwithstanding anything contrary contained in bye-laws of any Cooperative Society. Therefore, the Bilasa Bank could not carry out banking business or use the word Bank till it first obtained a licence under Section 22 of the 1949 Act read with Section 56F amending Section 7 of the 1949 Act.

10. Due to deteriorating finances of the Bilasa Bank since 2004, a task force was created as a joint forum by the RBI and the Government of Chhattisgarh pursuant to an MoU singed between the parties on 11.10.2006 for merger of the two Banks. NOC was granted by the RBI on 27.12.2010 to the merger after considering only the financial aspects as being in compliance with the RBI guidelines since the Bank was only concerned with the financial interest and protection of depositors. Pursuant to the order dated 18.1.2011 the RBI on 19.1.2015 cancelled the banking licence issued under Section 22 of the 1949 Act to the Bilasa Bank and issued a fresh Branch Licence in the name of Laxmi Bank. The order of 19.1.2015 passed during the pendency of the writ petition was never challenged by Respondent No. 4. The direction of the Learned Single Judge setting aside the order of the Registrar dated 18.1.2011 and subsequent actions will not take within its ambit the order dated 19.1.2015 of the Bank. Resultantly, the Bilasa Bank cannot do banking business in absence of a licence, public interest of depositors whose money may be locked in the erstwhile bank will therefore suffer immensely if the order of the Learned Single Judge is upheld.

11. Learned Counsel for Respondent No. 4 submitted that the order dated 10.3.2008 changing the Administrator replacing Shri D.R.Thakur by Shri D.S.Thakur does not interfere with the period of supersession till 11.9.2008. The supersession was then ordered afresh on 31.11.2009 for a further period of one year. The Learned Single Judge has rightly held that the order dated 31.12.2009 was not a post facto approval for the period from 12.9.2008 till 30.12.2009 or ratification of the action taken by the Administrator during the interregnum without authority. The use of word 'continuation' in order dated 31.12.2009 was in the context of belief that circumstances for supersession still existed and not in the sense of continuity of the supersession itself. The Administrator of the Bilasa Bank palpably had no authority to convene the annual general meeting of 7.11.2009.

12. It was next submitted that extension of supersession of a co-operative bank required express approval of the RBI on each occasion under the proviso to Section 53(1) of the Act. No such approval was taken from the RBI for successive extensions of supersession after the initial supersession dated 13.9.2006. The initial supersession therefore on its expiry assumed the nature of supersession under the third proviso to Section 53(1) of the Act for a period of one year only. The total aggregate period of supersession permissible under Section 53 (3) was three years only i.e. 13.9.2009. The calling of the meeting of the general body of Bilasa Bank on 7.11.2009 by the Administrator was therefore without jurisdiction for this additional reason.

13. The finding of the Learned Single Judge that statutory requirements of Section 16 of the Act and Rule 11 by publication of the merger scheme and inviting and consideration of the objections not having been complied with calls for no interference. No material has been brought on record by the Appellant Laxmi Bank or the State in support of compliance with statutory requirements. The fact that no specific objections had been made at the annual general meeting of 7.11.2009 is inconsequential so long as objection had been raised and which was required to be discussed and decided. The statutory requirement under Section 16 (2) of the Act was for convening of a special general meeting and not an annual general meeting. The minutes of the meeting dated 7.11.2009 wrongly record that none of the other members raised any objection during the meeting except for Respondent No. 4.

14. The earlier scheme for amalgamation sent to the RBI on 26.5.2010 by the Appellant after its return, for whatever the reason may be the matter was required to be referred to the general body of the Bilasa Bank for fresh discussion again and could not have been forwarded by the Administrator alone to the Appellant Laxmi Bank for transmission to the RBI. It was lastly submitted that in absence of the gazette publication under Section 16(12) of the Act, the amalgamation never came into being.

15. We have considered the respective submissions on behalf of the parties and are satisfied that the order under appeal is not sustainable for reasons to be discussed hereinafter.

16. The Bilasa Bank was registered as a Co-operative Society under the Act. To carry on business of banking and use the words 'Bank' under Section 7 of the 1949 Act it required a licence under Section 22 of the same. Admittedly the finances of the Bilasa Bank were deteriorating since 2004 and two statutory inspections by the RBI till 2006 showed no improvement. Public deposits eroded from 0.66% in 2004 to 7.26% on 31.3.2010. The task force for Urban Co-operative Banks, a joint forum of the RBI and the Government of Chhattisgarh was constituted on 10.11.2006 for merger of the two banks primarily to protect the interest of the depositors. Under the first proviso to Section 53(1) of the Act the supersession of a co-operative Bank approved by the RBI could be for a period upto 5 years. The Registrar also could order supersession of a co-operative bank but only with the approval of the RBI under Section 16 (3) of the Act.

17. The Bilasa Bank was initially superseded on 13.9.2006 for reasons of financial mismanagement with the prior approval of the RBI for a period of one year. The supersession was extended on 12.9.2007 for a year. On 10.3.2008 the earlier Administrator, Shri D.R. Thakur was replaced by Shri D.S. Thakur. On 31.12.2009 orders were passed for continued supersession in light of the earlier orders as the reasons for supersession still existed. The significance of the vernacular words 'लगातार' in our opinion, were not adequately considered by the Learned Single Judge. The Oxford Hindi-English dictionary provides the meaning of the vernacular words as "uninterrupted succession; continuously; constantly". Therefore, the absence of a formal notification after 12.9.2008 till 31.12.2009 is inconsequential as the latter clearly took into consideration the period in interregnum as one of continued supersession. Neither was the original order of supersession dated 13.9.2006 or successive extensions of the same challenged by Respondent No. 4 nor any other member of the erstwhile Bilasa Bank. The fact that each order of extension stated that the circumstances under which it was superseded still existed naturally signifies the approval of the RBI because otherwise ultimately NOC would not have been granted by it on 27.12.2010 much less the banking licence of the Bilasa Bank cancelled on 19.1.2015. Further more, we do not find that any pleading was made in the writ petition as a matter of fact that no approval was given by the RBI to successive orders extending the supersession.

18. The present supersession by the Registrar of the Co-operative Societies in public interest being under Section 16(3) of the Act, procedure under Section 16(2) of the Act to convene a special general meeting was not applicable. It appears that attention of the Learned Single Judge was not adequately invited to the fact that the Administrator had given a statutory notice on 21.10.2009 before calling the meeting on 7.11.2009. There was no pleading in the writ petition that no clear 21 days notice had been given to the members. Even if Rule 11 had not been complied to that extent, we consider it a mere procedural irregularity which has prejudiced none. The resolution for merger/amalgamation was passed by the 2/3rd majority of the Bilasa Bank on 7.11.2009. The lone objection was by Respondent No. 4 as recorded in the minutes of the meeting. If Respondent No. 4 was of the opinion that the minutes had been wrongly recorded, it ought to have been challenged by her in an appropriate proceeding before the Registrar, Co-operative Societies. In absence of any such challenge there shall be a presumption of the correctness of the recitals contained in the minutes of the meeting in the facts and circumstances of the case.

19. If it is held that there was no Administrator of the Bilasa Bank from 12.9.2008 till 31.12.2009 it shall create a very piquant situation where a bank stands superseded with no Administrator, leaving it headless with all its attendant consequences even while the supersession continues. We therefore regret our inability to concur with the Learned Single Judge that convening of the meeting dated 7.11.2009 by the Administrator was unauthorised and illegal. There was no challenge to the meeting dated 7.11.2009 or quashing of the minutes sought. Thus there was no occasion for the Learned Single Judge to pronounce upon the illegality of the meeting dated 7.11.2009. The impermissibility of granting relief not sought for in the pleadings was also noticed in (2010) 11 SCC 557 (Manohar Lal Ugrasen). That oral submissions not supported by adequate pleadings also could not be considered for grant of relief was dealt with in (1998) 7 SCC 469 (Rani Laxmibai Kshetriya Gramin Bank v. Chand Behari Kapoor) observing as follows :-

> "8…..It is too well settled that the petitioner who approaches the court invoking the extraordinary jurisdiction of the court under Article 226 must fully aver and establish his rights flowing from the bundle of facts thereby requiring the respondent to indicate its stand either by denial or by positive assertions. But in the absence of any averments in the writ petition or even in the rejoinder-affidavit, it is not permissible for a court to arrive at a conclusion on a factual position merely on the basis of submissions made in the course of hearing….."

20. There will always be a presumption under Section 114 (e) of the Evidence Act that all the official acts including compliance with statutory requirements have been done. It is for the person alleging non-compliance to specifically assert and demonstrate this fact by making specific pleadings to that effect in the writ petition itself. Non compliance with statutory provisions has to be specifically pleaded along with specified particulars with respect to the same. It is not that a bald statement could be made and the onus would shift to the Respondents. Reference may appropriately be made to the observations in (1998) 4 SCC 387 (Larsen & Toubro Ltd. v. State of Gujarat) as follows :-

> "10…..It is not enough to allege that a particular rule or any provision has not been complied with. It is a requirement of good pleading to give details, i.e., particulars as to why it is alleged that there is non-compliance with a statutory requirement. Ordinarily, no notice can be taken on such an allegation which is devoid of any particular. No issue can be raised on a plea the foundation of which is lacking. Even where rule nisi is issued, it is not always for the department to justify its action when the court finds that a plea has been advanced without any substance, though ordinarily the department may have to place its full cards before the court….."

21. A bare perusal of the pleadings in the writ petition reveals that it only urges that there was no order for supersession between 13.9.2008 and 31.11.2009. It acknowledges the receipt of the notice dated 21.10.2009 for convening of the annual general meeting of 7.11.2009. It is stated thereafter that no details of the merger/amalgamation were made available to the members and a written objection was made. No grounds of objection have been pleaded. The submission that a mere objection without specifying the grounds would suffice is difficult to accept and has to be rejected outright. A bald statement has been made that Section 16(2) of the Act was not complied with when it deals with a voluntary act of the society and not a supersession at the behest of the Registrar under Section 16(3) of the Act. The pleadings are completely silent with regard to minutes of the meeting dated 7.11.2009 that issue of merger/amalgamation was discussed and deliberated. Likewise, the details in the minutes that the shareholders of the bank were duly explained in what manner interests of the depositors and the members would be protected after which the merger/amalgamation was approved has not been controverted in the pleadings. In absence of specific pleadings it is difficult to accept the bald oral submission that no proposal for merger/amalgamation was placed at the annual general meeting. If Respondent No.4 was asserting a fact, it was required to be specifically pleaded when only the Laxmi Bank or the State was required to answer it. The Learned Single Judge himself held that the parties had not produced any document to show reorganisation of proposed amalgamation was framed by the RBI, but failed to notice the discussion in the minutes of the meeting dated 7.11.2009. The pleadings in the writ petition were extremely casual in nature drafted without any seriousness. We wish to say no more.

22. We therefore regret our inability to concur with the Learned Single Judge regarding non-compliance with Section 16 of the Act or Rule 11 in the amalgamation procedure. The issue was to be decided by the Learned Single Judge on basis of the materials and pleadings placed by Respondent No.4 and denied or admitted by the Laxmi Bank or State.

23. The RBI being concerned only with the aspects of financial management, returned the proposal on 21.5.2010 not for non-compliance with any State laws but due to certain deficiencies in diligence report and closure of the financial year 2009-10 which required fresh financial assessment by Chartered Accountant as on 31.3.2010. Since the general body of the Bilasa Bank had already approved the merger with the Laxmi Bank on 7.11.2009, in our opinion, the Administrator of the Bilasa Bank was not required to take the issue for amalgamation back to the general body again as contended. He rightly forwarded the matter after removing the deficiencies to the Laxmi Bank which consented to it on 26.5.2010 leading to grant of NOC by the RBI leading to order dated 18.1.2011 by the Registrar of the Co-operative Societies.

24. During the pendency of the writ petition itself in furtherance to the NOC, the RBI cancelled the banking licence of the Bilasa Bank on 19.1.2015. It was an order issued by another statutory authority under a different law. The RBI being guardian of the public finances, it cannot be compelled to act at the dictates of the Registrar of the Co-operative Societies consequent to setting aside of its order dated 18.1.2011. The Court also did not set aside the order dated 19.1.2015. On the contrary, the statutory scheme under Section 16 of the Act and Rule 11 of the Rules clearly contemplates that the Registrar was to be subservient to the RBI where a co-operative bank was concerned. It was therefore necessary for Respondent No.4 to have amended the writ petition and specifically challenged the order dated 19.1.2015. Unless and until it does not have the banking licence granted to it under Section 22 of the Banking Regulation Act, 1949 by the RBI, it can neither use the word 'Bank' nor deal in the banking business.

25. Publication in the gazette under Section 16(12) of the Act is a mixed question of law and fact. There is no pleading in the writ petition in this regard and it does not appear that the issue was even urged orally before the Learned Single Judge but has been raised orally for the first time in appeal. The language of Section 16(12) itself makes it apparent that publication was not necessary for enforcement of the amalgamation but only for general information to the depositor public. Absence of publication, if any, cannot take away the factum of amalgamation in accordance with law. The publication therefore was merely for evidentiary purposes as considered in (2011) 2 SCC 654 (Kedar Shashikant Deshpande v. Bhor Municipal Council) observing as follows :-

> "55. On scrutiny of the record, it becomes evident that a statement containing the names and addresses of the Councillors of NCP as prescribed in Form I was not published in the Official Gazette. It is true that as per Rule 4 every Councillor has to furnish to the Collector a statement of particulars and declaration in Form III, which inter alia, contains the information relating to the political party to which the Councillor belongs. As per Rule 4(3) summary of information furnished by the Councillor to the Collector has to be published in the Official Gazette. Further, on a critical study of the provisions of Rule 3 read with Rule 4(3) of the Rules, it is evident that neither Rule 3 nor Rule 4 nor any other rule of the Rules mentions that a political affiliation of the Councillor would come into existence only upon submission of either Form I, Form III and/or publication of information in the Official Gazette. It is rightly contended by the learned counsel for Respondents 4 and 5 that these forms and publication in the Official Gazette have merely an evidentiary value which would prima facie establish that a Councillor belongs to a particular political affiliation and nothing more.

> 56. The alleged non-availability of the evidence relating to the political affiliation of the appellants in Form I, Form III and/or publication in the Official Gazette would not mean that the appellants did not belong to NCP. Form I, Form III and/or publication of information in the Official Gazette merely has an evidentiary value……"

26. In conclusion, the fact of financial mismanagement of the Bilasa Bank leading to its supersession after a joint enquiry by the RBI and the State Government is not in dispute. Neither the supersession nor were the extensions to the supersession challenged by anyone. The managing committee of the Bilasa Bank was never restored much less during the period 12.9.2008 to 31.12.2009. The Administrator therefore continued out of necessity and the period in the interregnum duly regularised by a specific order. If the annual general meeting of 7.11.2009 and the minutes thereof were never challenged, the will of 2/3rd majority of the Bilasa Bank has to prevail and it is not for the third agency to decide what would be appropriate for the Society as observed in (2000) 9 SCC 295 (State of Maharashtra v. Karvanagar Sahakari Grih Rachana Sanstha Maryadit) as follows:

> **"**6**.** ... in our view what is in the interest of the society is primarily for the society alone to decide and it is not for an outside agency to say.... **"**

27. The order dated 18.1.2011 was only consequential to the orders of supersession and the minutes dated 7.11.2009. Even if the former is set aside it does not automatically nullify either the supersession or the meeting dated 7.11.2009 in absence of any challenge. Likewise the order dated 19.1.2015 also is not affected by the setting aside of order dated 18.1.2011 in absence of any challenge to the same. We therefore find it difficult to uphold the order under appeal. It is set aside.

28. The writ appeals are allowed.

Sd/-	Sd/-
(Navin Sinha)	(P. Sam Koshy)
CHIEF JUSTICE	**JUDGE**

Subbu