IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 33185 OF 2011

PETITIONER:

PARAPPANANGADI REGIONAL HOUSING CO-OPERATIVE SOCIETY LTD.NO.M-38, REPRESENTED BY, ITS SECRETARY, PARAPPANANGADI P.O., ALAPPUZHA DISTRICT.

BY ADVS.
SRI.T.R.HARIKUMAR

RESPONDENTS:

1 **STATE OF KERALA REPRESENTED BY ITS SECRETARY, CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM – 695 001.**

3 **THE JOINT REGISTRAR (GENERAL) CO-OPERATIVE SOCIETIES, MALAPPURAM – 676 505.**

4 **THE KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD. NO. 4330, REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR, P.B. NO. 1896, ERNAKULAM, KOCHI – 682 017.**

BY ADVS.
SRI.T.M.KOCHUNNI
SRI.MOHAN C.MENON (SC FOR R4)
SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).804/2012, 11417/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 33187 OF 2011

PETITIONER:

THE PONNANI TALUK RURAL HOUSING CO-OPERATIVE SOCIETY LTD.NO.M-16, REPRESENTED BY ITS SECRETARY, PONNANI P.O., MALAPPURAM DISTRICT.

BY ADVS.
SRI.T.R.HARIKUMAR

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM-695 001.

3 THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES, MALAPPURAM-676 505.

4 THE KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD.NO.4330, REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR, P.B.NO.1896,, ERNAKULAM, KOCHI-682 017.

BY ADVS.
SRI.T.M.KOCHUNNI
SRI.MOHAN C.MENON (SC FOR R4)
SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 34332 OF 2011

PETITIONER:

**PANANGAD SERVICE CO-OPERATIVE BANK
LTD.NO.655, PANANGAD P.O., ERNAKULAM DISTRICT,
PIN-682 506, REPRESENTED BY ITS SECRETARY.**

**BY ADVS.
SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE**

RESPONDENTS:

**1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**

**2 REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM, PIN-695 001.**

**3 JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ERNAKULAM, KOCHI-682 016.**

BY ADV SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 34384 OF 2011

PETITIONER:

MARADU SERVICE CO-OPERATIVE BANK LTD NO.43,
MARADU P.O., PIN 682 304,
REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE

RESPONDENTS:

1 **STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

2 **REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM-695 001.**

3 **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM, KOCHI-695 016.**

BY ADV SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 34835 OF 2011

PETITIONER:

KUZHUPPILLY SERVICE CO-OPERATIVE BANK LTD.E 138, KUZHUPPILLY, AYYAMPILLY P.O., ERNAKULAM DISTRICT, PIN 682001, REPRESENTED BY ITS SECRETARY.

BY ADV M.PAUL VARGHESE

RESPONDENTS:

1. **STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM – 695 001.**
2. **REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM – 695 001.**
3. **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) ERNAKULAM, KOCHI – 682 016.**

BY ADV SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 804 OF 2012

PETITIONER:

**THEKKUMBHAGAM SERVICE CO-OPERATIVE BANK LTD, NO:1731,
CHAVARA SOUTH.P.O, KOLLAM,
REPRESENTED BY ITS SECRETARY.**

BY ADV SRI.P.P.JACOB

RESPONDENTS:

**1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM-695 001.**

***3 KERALA STATE FISHERMEN DEBT RELIEF
COMMISSION, REPRESENTED BY ITS SECRETARY,T.C. 11/884-2,
NALANDA ROAD, NNANTHANCODE, KOWDIAR P.O.,
THIRUVANANTHAPURAM – 695003.
*ADDITIONAL 3RD RESPONDENT IS IMPLEADED AS PER THE ORDER DATED 18.01.2024 IN I.A.NO.1/2018 IN W.P.(C).NO.804/2012**

**BY ADV SHRI.T.G.SUNIL, SC, KERALA STATE FISHERMEN DEBT RELIEF COMMISSION – KSFDRC
SMT. RESHMI THOMAS (GP)**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 4610 OF 2012

PETITIONER:

KODUNGALLUR HOUSING CO-OPERATIVE SOCIETY LTD.NO. R.327 REPRESENTED BY ITS SECRETARY, EDAMUTTAM P.O., THRISSUR DISTRICT.

BY ADV SRI.P.R.SHAJI

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM-695 001.

3 THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES THRISSUR-680 001.

4 THE KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD.NO.4330 REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR, P.B.NO.1896, ERNAKULAM, KOCHI-682 017.

***5 KERALA STATE FISHERMEN DEBT RELIEF COMMISSION, REPRESENTED BY ITS SECRETARY,T.C. 11/884-2, NALANDA ROAD, NNANTHANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM – 695003.**
***ADDITIONAL 5TH RESPONDENT IS IMPLEADED AS PER THE ORDER DATED 18.01.2024 IN I.A.NO.1/2018 IN W.P.(C).NO.4610/2012**

BY ADVS.
SRI.T.G.SUNIL, SC, KSFDRC
SRI.MOHAN C.MENON
SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 4625 OF 2012

PETITIONER:

**NATTIKA FIRKA HOUSING SHAKARANA SANGAM LTD.NO.R 346
REPRESENTED BY ITS SECRETARY, EDAMUTTAM. P.O,
THRISSUR DISTRICT**

BY ADV SRI.P.R.SHAJI

RESPONDENTS:

1 **STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIREUVANANTHAPURAM-695 001.**

3 **THE JOINT REGISTRAR GENERAL OF CO- OPERATIVE SOCIETIES
THRISSURE- 680 001.**

4 **THE KERALAL STATE CO-OPERATIVE HOUSING FEDERATION LTD NO. 4330
REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR,
P.B. NO. 1896, ERNAKULAM, KOCHI- 682 017.**

**BY ADVS.
SRI.MOHAN C.MENON (FOR R4)
SMT. RESHMI THOMAS (GP)**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 12748 OF 2012

PETITIONER:

**ALAPPUZHA DISTRICT CO-OPERATIVE BANK EMPLOYEES ASSOCIATION,
REPRESENTED BY ITS GENERAL SECRETARY, REG.NO.437/82, NEAR ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD., ALAPPUZHA-688 001.**

**BY ADVS.
SRI.T.R.HARIKUMAR**

RESPONDENTS:

**1 THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE,
ALAPPUZHA-688 001.**

**2 THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES
ALAPPUZHA-688 001.**

**3 THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM-695 001.**

**4 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
CO-OPERATION (C) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

**BY ADVS.
SMT. NISHA GEORGE,SC,ALAPPUZHA DIST.CO.OP BANK
SMT. RESHMI THOMAS (GP)**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 14658 OF 2012

PETITIONER:

THURAVOOR RURAL HOUSING SOCIETY LTD NO.698
NSS BUILDING, THURAVOOR SOUTH, THURAVOOR P.O,
ALAPPUZHA DISTRICT -6885 532,
REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.T.R.JAGADEESH
SRI.V.A.VINOD

RESPONDENTS:

1 **STATE OF KERALA REPRESENTED BY ITS SECRETARY,**
CO OPERATION(C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES,**
THIRUVANANTHAPURAM-695 001.

3 **THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES**
ALAPPUZHA-688 011.

4 **THE KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD NO.4330**
REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR, P.B.NO.1896,
ERNAKULAM, KOCHI-682 017.

BY ADVS.
SRI.BINU MATHEW (SC FOR R4)
SRI.A.K.CHINNAN
SMT. RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 16427 OF 2012

PETITIONER:

**THE BOARD OF DIRECTORS OF THE ARATTUPUZHA SERVICE CO-OPERATIVE BANK LTD NO.(A)195,
REPRESENTED BY ITS PRESIDENT, ARATTUPUZHA NORTH P.O., ALAPPUZHA-688 515.**

**BY ADVS.
SRI.T.R.HARIKUMAR**

RESPONDENTS:

1 **THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD
REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE, ALAPPUZHA-688 001.**

2 **THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES
ALAPPUZHA-688 001.**

3 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.**

4 **THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OPERATION (C) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**BY ADVS
SRI. GEORGE POONTHOTTAM, SC, ALAPPUZHA DIST.CO.OP.BANK LTD.
SMT.RESHMI THOMAS (GP)**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 18050 OF 2012

PETITIONER:

TIRUR CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD. NO. M11, REPRESENTED BY ITS SECRETARY, TIRUR, MALAPPURAM DISTRICT.

BY ADV T.R.HARIKUMAR

RESPONDENTS:

1. **STATE OF KERALA**
   REPRESENTED BY ITS SECRETARY,
   CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM -695 001.

2. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES**
   THIRUVANANTHAPURAM -695 001.

3. **THE JOINT REGISTRAR GENERAL OF CO-OPERATIVE SOCIETIES**
   MALAPPURAM -676 505.

4. **THE KERALA STATE CO- OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD**
   REPRESENTED BY ITS MANAGING DIRECTOR, POST BOX NO 56, STATUE JUNCTION, THIRUVANANTHAPURAM- 695 001
   BY ADVS
   SMT. NISHA GEORGE (FOR R4)
   SMT.RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 25960 OF 2012

PETITIONER:

THE BEYPORE SERVICE CO-OPERATIVE BANK LTD NO.LL 35, ARAKKINAR, KOZHIKODE, PIN - 673 028, REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.P.P.JACOB
SRI.T.P.GOPAKUMAR

RESPONDENTS:

1 **STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, CO-OPERATION (C) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM, PIN - 695 001.**

3 **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G) KOZHIKODE, OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), PUTHIYARA, KOZHIKODE, PIN - 673 004.**

BY ADV. SMT.RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 27150 OF 2012

PETITIONERS:

1 THE PRESIDENT,
PARUR WEST CO-OPERATIVE BANK LTD.NO.R130
NORTH PARUR, PIN-683 513.

2 PARUR WEST CO-OPERATIVE BANK LTD.NO.R-130
NORTH PARUR, PIN-683513, REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.M.M.MONAYE
SRI.DESI MATTHAI
SRI.M.PAUL VARGHESE

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2 REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM-695 001.

3 JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL).
ERNAKULAM, KOCHI-682 016.

4 ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
NORTH PARUR, PIN-683 513.

BY ADV. SMT.RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 32963 OF 2014

PETITIONER:

**THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD
REPRESENTED BY ITS GENERAL MANAGER, HEAD OFFICE,
P.B.NO.130, KOLLAM-691 001**

BY ADV SRI.T.R.HARIKUMAR, SC, KOLLAM DISTRICT C

RESPONDENTS:

1 **STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM-695 001.**

3 **THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
KOLLAM, KOLLAM DISTRICT-691 001.**

BY ADV. SMT.RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 3030 OF 2015

PETITIONER:

KARUNAGAPPALLY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD NO.Q 467, KARUNAGAPPALLY, KOLLAM, REPRESENTED BY ITS SECRETARY.

BY ADVS.
SRI.P.GOPAL
SRI.B.MURALEEDHARAN

RESPONDENTS:

1 **SECRETARY TO GOVERNMENT DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

2 **REGISTRAR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM-695 001.**

3 **FISHERMAN DEBT RELIEF COMMISSION THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY, OFFICE OF THE FISHERMEN DEBT RELIEF COMMISSION, THIRUVANANTHAPURAM-695 003.**

4 **VINCENT "SUHALAYAM", CHAVARA SOUTH P.O., KARUNAGAPPALLY, KOLLAM DISTRICT-691 584.**

5 **FEBIYANA "PADANNAYIL KEEZAKETHU", CHAVARA SOUTH P.O., KARUNAGAPPALLY, KOLLAM DISTRICT-691 584.**

BY ADVS
SRI.T.R.HARIKUMAR (FOR R4 AND R5)
SMT.RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 11417 OF 2018

PETITIONER:

**THE KOLLAM DISTRICT CO-OPERATIVE BANK
REPRESENTED BY ITS GENERAL MANAGER,CHINNAKKADA,
KOLLAM-691 001.**

BY ADV SRI.P.C.SASIDHARAN, SC, KOLLAM DISTRICT

RESPONDENTS:

**1 THE KERALA STATE FISHERMAN DEBT RELIEF COMMISSION
REPRESENTED BY ITS SECRETARY, T.C 11/884,
NALANDA JUNCTION, NANDANCODE, THIRUVANANTHAPURAM.**

**2 Y RAJAN
S/O YOHANNAN, THEKKEPURA PADINJETTATHIL, CHITTAYAM,
INCHAVILA PO, PANAYAM VILLAGE, KOLLAM TALUK.**

**BY ADVS.
SRI.GEORGE G.POOTHICOTE (FOR R2)
SRI.M.RISHIKESH SHENOY
SMT.S.SMITHA PRASANTH
SRI.T.G.SUNIL (SC-R1)
SMT.RESHMI THOMAS (GP)**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

WP(C) NO. 26470 OF 2018

PETITIONER:

**NATTIKA FIRKA HOUSING CO-OPERATIVE SOCIETY LTD. NO.R.346
EDAMUTTAM P.O., THRISSUR, PIN – 680 568,
REPRESENTED BY ITS SECRETARY.**

BY ADV SRI.P.R.SHAJI

RESPONDENTS:

1 **STATE OF KERALA
REPRESENTED BY ITS SECRETARY, CO-OPERATIVE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM – 695 001.**

2 **THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM – 695 001.**

3 **THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES
THRISSUR.**

4 **THE KERALA STATE CO-OPERATIVE HOUSING FEDERATION LTD.
NO.4330
REPRESENTED BY ITS MANAGING DIRECTOR, KALOOR,
P.B. NO.1896, ERNAKULAM, KOCHI – 682 017.**

5 **KERALA STATE FISHERMEN DEBT RELIEF COMMISSION
REPRESENTED BY ITS SECRETARY, TC NO.11/884,
NALANDA JN., NANDANCODE P.O.,
THIRUVANANTHAPURAM – 695 033.**

6 **A.K. VASU
AGED 62 YEARS, S/O. KOCHAPPY,
ANTHIKADU HOUSE, KAIPAMANGALAM BEECH P.O., THRISSUR, PIN –
680 681.**

7 **K.K. THAMBI
AGED 58 YEARS, S/O. KRISHNAN,
KALAYIL HOUSE, NATTIKA BEECH P.O., THRISSUR – 680 566.**

8 K.S. SURENDRAN
AGED 59 YEARS, S/O. SUKUMARAN,
KANAKKASSERY HOUSE, KOORIKUZHY P.O.,
THRISSUR – 680 681.

BY ADVS.
BINU MATHEW (SC-R4)
T.G.SUNIL, SC, KSFDRC
LINDONS C.DAVIS (FOR R7)
E.U. DHANYA
RESHMI THOMAS (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2024, ALONG WITH WP(C).33185/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of January, 2024

[WP(C) Nos.33185, 33187, 34332,34384 & 34835 of 2011, WP(C) Nos. 804, 4610, 4625, 12748, 14658, 16427, 18050, 25960 & 27150 of 2012,WP(C)No. 32963 of 2014, WP(C)No. 3030 of 2015, and WP(C)Nos. 11417 & 26470 of 2018]

These Writ Petitions, except W.P.(C.)No.32693 of 2014, are filed by Primary Co-operative Societies, which are engaged in the business of providing credit to its members by way of loans etc. Writ Petition No.32693 of 2014 has been filed by the erstwhile Kollam District Co-operative Bank Ltd., which is now merged with the Kerala State Co-operative Bank. The petitioners' challenge, Circular Nos.1/2011 dated 03.01.2011 and 12/2011 dated 01.02.2011, issued by the Registrar of Co-operative Societies. These Circulars have been published on the basis of stipulations contained in G.O.(P)No.91/2010 dated 06.12.2010 issued by the Fisheries Department and relate to the grant of certain benefits/ concession/waiver, in respect of loans availed by persons belonging to the fishermen community and

whose principle avocation is fishing, as defined under Section 2(xii) of the ***Kerala Fishermen Debt Relief Commission Act, 2008*** (hereinafter referred to as the 'Debt Relief Act'). The petitioners *inter-alia* contend that the Government Order dated 06.12.2010 and Circular Nos.1/2011 and 12/2011 dated 03.01.2011 and 01.02.2011 respectively, are illegal and ultra vires the provisions of the ***Kerala Co-operative Societies Act, 1969*** (hereinafter referred to as 'the 1969 Act') and the Debt Relief Act. It is submitted that the implementation of those Circulars, except to the extent that any amount has been sanctioned by the Government to the individual Societies for waiving any particular debt, would cause immense financial stress to the Co-operative Societies in question. It is submitted that, neither the Government of Kerala nor the Registrar of Co-operative Societies has the statutory power to issue such directions, in respect of loans advanced by the petitioner Societies to individual fishermen.

2. Learned Government Pleader and the learned Counsel appearing for the respondents, on the other hand seek to sustain the Government Order and the Circulars referred to above by referring to the provisions of Section 66A and 74F of the 1969 Act.

3. I have heard, Sri. P.C. Sasidharan, Sri. T.R. Harikumar, Sri. P. Gopal, Sri. P.P. Jacob, Sri. P.R. Shaji and Sri. M.M. Monaye, on behalf of the petitioners in these cases. I have also heard the submissions of the learned Government Pleader, who appeared on behalf of the State, Sri. T.G. Sunil, learned Counsel appearing for the Kerala State Fishermen Debt Relief Commission, Sri. Mohan C. Menon, Sri. Binu Mathew and Smt. Nisha George, learned Counsel appearing for the Kerala State Co-operative Housing Federation Ltd. and the Kerala State Agricultural and Rural Development Bank Ltd. (apex societies).

4. Learned Counsel appearing for the petitioners and the Counsel appearing for the Apex Societies, who support the contentions of the learned Counsel

appearing for the petitioners, would contend that the primary Societies are re-financed by the respective Apex Societies and, in every sense, act only as an intermediary in the sanction of loans to individual members of the respective primary Societies. It is submitted that the primary Societies are, therefore, bound to repay the amount sanctioned as a loan by the respective Apex Societies after retaining the margin on the interest permitted. It is submitted that if the individual Societies are required, in terms of the impugned Government Order/Circulars, to waive interest on loans granted to its members, these Societies will suffer irreparable financial loss and may even result in the collapse of the Societies, as they have no individual source of finance. It is submitted that, while on the recommendations of the Fishermen Debt Relief Commission, any waiver granted by the Government can be extended to the borrowers to the extent that the Societies are supported by the actual grant of amounts by the Government; no further relief

can be granted to individual borrowers, without budgetary support from the Government. In other words, it is their contention that unless the amount waiver is granted to the Societies by the Government on the recommendations of the Debt Recovery Commission, or otherwise, no waiver can be granted to the individual borrowers. It is also submitted that no loan account can be closed, and no documents of title of properties mortgaged for the purpose of securing the repayment of the loans can be returned based on the impugned Government Order/Circulars issued by the Registrar of Co-operative Societies. It is submitted that the Fishermen Debt Relief Commission has no authority to direct the individual Co-operative Societies to return the documents of title after closing the loans of individual members. Learned Counsel has also referred to the provisions of the Debt Relief Act to contend that the determination of any waiver by the Commission can be only on the basis of individual applications by fishermen, as defined in the said Act, and on the

satisfaction that the conditions precedent for grant of relief including a finding of fact that the loan was availed for the purpose of augmenting the income of fishermen, is determined by the Commission on an individual basis.

5. It is submitted that there is no provision in the Debt Relief Act, which would authorise the Commission to recommend to the Government to grant an omnibus waiver of principal amount/interest/penal interest in respect of loans availed by members (who may be fishermen) from the Co-operative Societies in question. It is submitted that the Circulars issued cannot be deemed to be Circulars issued under Section 66A of the 1969 Act, and the Government Order as an order in terms of the provisions contained in Section 74F of the said Act. It is submitted that the powers under Section 66A and Section 74F of the 1969 Act also do not authorise the Government or the Registrar of Co-operative Societies to require waiver or write off of loans without providing financial assistance, equivalent

to the amount of waiver/write off directed to be given as any other interpretation could mean that the Government/Registrar of Co-operative Society could direct waiver/ write off of loans leading to financial ruin, as far as individual Co-operative Societies are concerned. It is submitted that the decision of the Full Bench of this Court in ***Shanmukha Sundaram Pillai S. v. Meenachil Rubber Marketing and Processing Co-operative Society Ltd. No.K118 and Others [2022 (3) KHC 121]*** is authority for the proposition that powers under Section 66A of the 1969 Act, could not be issued for the purposes of issuing Circulars in the nature of the impugned Circulars.

6. Learned Government Pleader would submit that the decision of the Full Bench in ***Shanmukha Sundaram Pillai*** (Supra) only deals with the issue as to whether the power under Section 66A of the 1969 Act could be invoked for the purposes of directing the release of Fixed Deposit etc. in the case of individuals. It is submitted that the decision of the Full Bench is not

authority for the proposition that the power under Section 66A of the 1969 Act could not be invoked to issue the Circulars impugned in these Writ Petitions.

7. Learned Standing Counsel appearing for the Fishermen Debt Relief Commission would submit that the Circulars in question have been already upheld by this Court, through judgment dated 20.09.2017 in W.P.(C.)No.19542 of 2011. It is submitted that this Court, while upholding the validity of the Circulars, has relied on the judgment of the Division Bench of this Court in ***Abdurahiman Nagar Service Co-operative Bank Ltd. v. State of Kerala [2014 (1) KLT 664].*** Learned Counsel has also placed reliance on the Division Bench judgment of this Court in W.A.No.1488 of 2013 which has delienated the powers of the Debt Relief Commission under the Debt Relief Act.

8. I have considered the contentions raised. At the outset, it must be noticed that the impugned Circulars, namely Circular Nos.1/2011 and 12/2011 issued by the Registrar of Co-operative Societies, were so issued on

the basis of stipulations in G.O(P)No.91/2010 dated 06.12.2010. A reading of G.O(P)No.91/2010 dated 06.12.2010 would indicate that the Government Order was issued on the basis of the recommendations of the Debt Relief Commission constituted under the Debt Relief Act, 2008. It is therefore, necessary to analyse the powers of the Debt Relief Commission under the Debt Relief Act. The Debt Relief Act received the assent of the Governor on 09.04.2008. The word *'debt'* for the purposes of the Debt Relief Act, 2008 defined in Section 2(v) of the said Act, as under;

> *"'debt' means any liability, in money, whether secured or unsecured, due from a fisherman whether payable under a contract or under a decree or order of any Court or Tribunal or otherwise and includes,-*
> *(a) any sum payable to -*
> *(i) an institutional creditor,*
> *(ii)a co-operative society,*
> *(iii) a fishermen society,*
> *(b) any sum received from a creditor by a fisherman,*
> *(c) any type of loan taken by a fisherman from financial institutions and specified by the Government notification,*
> *but does not include any loan amount taken by a fisherman for commercial purposes or luxury other than fishing purposes to augment his income and the amount payable to Central of State Government or other State Governments or Governments of Union Territories and the amount due to Local Self Government Institutions, Statutory Bodies, Centre or*

> *State Public Sector Undertakings and other Institutions as may be specified by the Government by notifications"*

'Financial Institution' for the purposes of the Debt Relief Act, 2008, means a financial institution constituted by any Central Act or State Act for the time being in force and owned and controlled by the Government. The word *'fishing'* is defined in Section 2(xii) of the Debt Relief Act, as under;

> *"(xii) 'fishing' means,-*
> *(a) fishing by traditional method or buy using traditional or mechanised vessels,*
> *(b) sale of sea water/ fresh water/ saline water fish products by the family members of a fisherman by travelling to various places by two wheelers or by head load, but does not include fishing by using mechanized boat, for which licence has to be taken under Section 6 of the Kerala Marine Fishing Regulation Act, 1980, (10 of 1981) and as may be specified by the Government by notification.*

The term *'fisherman'* has been defined in Section 2(xiii) of the Debt Relief Act, as under;

> *''(xiii) 'fisherman' means, a person who accept fishing as the foremost means of livelihood and whose annual income does not exceed the annual income limit fixed by the Government from time to time and it includes the widow of a fisherman.*

Section 5 of the Debt Relief Act sets out and delineates the powers and duties of the Debt Relief Commission. Section 5(1)(a) of the Debt Relief Act deals with the power of the Commission to declare any districts or district or fishermen zone forming part thereof as a disaster-affected area for a proposed period. Section 5(1)(b) of the Debt Relief Act enables the Debts Relief Commission to determine, in the case of creditors other than institutional creditors, a fair rate of interest and an appropriate level of debt, as the Commission may consider just and reasonable to be payable by the indebted fishermen in the disaster-affected area. The provisions of Sections 5(1)(c), 5(1)(d) and 5(1)(e) of the Debt Relief Act indicate that the Debt Relief Commission may undertake conciliation for settlement of individual disputes between indebted fishermen and creditors other than institutional creditors, adjudicate disputes between indebted fishermen in a disaster-affected area and the creditors, other than institutional creditors, and to pass awards which shall be binding on

both parties, to enter into negotiations with creditors for waiving loan, for granting interest rate relief, for rescheduling the loan or for providing loan moratorium to the fishermen in the disaster-affected areas. Section 5(1)(f) of the Debt Relief Act empowers the Debts Relief Commission to recommend to the Government the extent and the manner in which debt relief can be granted to the fishermen. Section 5(1)(g) of the Debt Relief Act empowers the Debts Relief Commission to recommend to the Government or Government agencies to take over the whole or part of the debt and exonerate the fishermen from the consequences of the debt. Section 5(1)(h) of the Debt Relief Act empowers the Debts Relief Commission to recommend to the Government to do such acts as may be necessary to ensure that future debt reliefs of fishermen are met through such agencies, as may be prescribed. Sub-section (2) of Section 5 of the Debt Relief Act empowers the Debts Relief Commission to issue orders keeping in abeyance the repayments of all debts of

fishermen in disaster-affected areas to creditors other than to institutional creditors after considering the factors set out in that provision and for a period not exceeding one year. Sub-section (3) of Section 5 of the Debt Relief Act makes it clear that notwithstanding anything contained in any other provisions in the Debt Relief Act, the limit of debt relief granted to a fisherman by way of waiver of the principal interest and penal interest, shall not exceed the limit as may be fixed by the Government from time to time. Sub-section (4) of Section 5 of the Debt Relief Act indicates that an award passed by the Debt Relief Commission under clause (d) of sub-section (1) shall be final and shall not be called into question in any court and sub-section (5) of Section 5 of the Debt Relief Act indicates that the awards of the Commission as per clause (d) of sub-section (1) may be executed as a decree of the Civil Court under the provisions of Code of Civil Procedure, 1908. Section 6 of the Debt Relief Act deals with the manner in which an area can be determined

to be a disaster-affected area. The provisions of Sections 9, 10, 11 and 12 of the Debt Relief Act delineate the powers of the Debt Relief Commission with respect to loans taken by fishermen of a disaster-affected area.

9. It is clear from a reading of the provisions of the Debt Relief Act, referred to above, that the Commission can issue general directions under Sections 9 to 12 of the Debt Relief Act and Sections 5(1)(a) and 5(1)(b) of the said Act, only in respect of a disaster-affected area. The other powers of the Commission regarding waiver of a part of the loan, interest or penal interest cannot be an omnibus recommendation. They can only pertain to individual loans on the basis of the determination of individual facts pertaining to individual borrowers who fall within the definition of fisherman as defined in Section 2(xiii) of the Debt Relief Act. Again, it must be noted that there is no power vested in the Debt Relief Commission to direct or to recommend to the

Government that loan waiver must be granted by individual Societies or financial institutions or creditors without ensuring the provision of financial support to the extent of waiver that is directed or recommended to be provided. The provisions of Section 66A of the 1969 Act no doubt empower the Registrar to give directions for implementing Government policies for the benefit of the members and the general public. However, as held by the Full Bench of this Court in ***Shanmukha Sundaram Pillai S.*** *(Supra)*, the power under Section 66A of the 1969 Act is to be sparingly used and shall not be used in individual matters or in contractual matters between a Society and its Members or in matters relating to its business. Though the learned Government Pleader and the learned Counsel appearing for the Debts Relief Commission have pointed out that the impugned Circulars are issued on the basis of the Government Order (G.O(P) No.91/2010 dated 06.12.2010), and therefore, the Circulars can be deemed to be issued for the

furtherance of a Government policy as reflected in the Government Order, I am unable to hold that the power under Section 74F of the 1969 Act would extend to a situation like this, where the primary Societies are required to waive off loans/interest/penal interest without financial support from the Government and beyond the extent of support extended by the Government for the purposes of such waiver. Any other interpretation on the power of the Government under Section 74F of the 1969 Act would result in a situation where the financial health of Co-operative Societies engaged in the provision of credit to individual members would be seriously affected. Obviously, this is not the purpose and intent of Section 74F of the 1969 Act.

10. Coming to the judgment of this Court in W.P(C)No.29542 of 2011, where this Court had repelled the challenge to Circulars, which are impugned in these Writ Petitions, I must note that this Court had followed the judgment of a Division Bench of this Court

in ***Abdurahiman Nagar Service Co-operative Bank Ltd.*** (Supra). That case was a case where the Division Bench of this Court was concerned with Circular No.41/2011, through which the Government had introduced a one-time settlement scheme known as *'Aswas 2011'.* This Court in ***Abdurahiman Nagar Service Co-operative Bank Ltd.*** (Supra), took the view that such a Circular was justified in terms of the provisions contained in the 1969 Act. It must be noticed that the judgment of the Division Bench in ***Abdurahiman Nagar Service Co-operative Bank Ltd.*** (Supra), was considered by the Full Bench and it concluded that the power under Section 66A of the 1969 Act, does not extend to purely contractual matters between the Society or its members and in matters relating to its business. It was held:-

> *"xxxx xxxx xxxx*
>
> *We hold that the general directions and guidelines that can be issued by the Registrar under Section 66A can only be for the purpose of implementing or enforcing the purpose of the Act or for implementing the policies of the Government for the benefit of the Members of the Society and general public and not in individual*

> *cases or in purely contractual matters between the Society or its Members. Only such orders issued by the Registrar under Section 66A which satisfy the above test would be valid."*

In the light of the categoric finding of the Full Bench and in the light of the discussions above, I am unable to hold that the impugned Circulars can be justified in terms of the provisions contained in Section 66A of the 1969 Act. I am also unable to hold that G.O(P)No.91/2010 dated 06.12.2010 is sustainable in the exercise of jurisdiction under Section 74F of the 1969 Act. In the light of the aforesaid findings, these Writ Petitions are allowed in the following manner;

(i) Circular Nos.1/2011 dated 03.01.2011 and 2/2011 dated 01.02.2011, issued by the Registrar of Co-operative Societies in the matter of write-off of loans, interest, penal interest etc., in respect of loans availed by fishermen from Co-operative Banks/Societies will stand quashed. It is declared that those Circulars are *ultra vires* the provisions contained of the 1969 Act;

(ii) G.O.(P)No.91/2010 dated 06.12.2010 issued by the Government of Kerala in the Fisheries Department on the basis of which Circular Nos.1/2011 and 12/2011 were issued will stand quashed. It is declared that in the exercise of the power under Section 74F of the 1969 Act, the Government of Kerala cannot, without providing support to the extent of waiver, direct the write-off of loans, interest or penal interest in respect of loans availed by individual borrowers from Co-operative Banks/Societies;

(iii) In view of the definition of institutional creditors in the Debt Relief Act, it is held that orders issued by the Debt Relief Commission under the provisions of the Debt Relief Act, 2008, cannot extend to institutional creditors as defined in Section 2(xvi) of the Debt Relief Act;

The directions contained in this judgment will not be construed as affecting any waiver granted in respect of loans availed by fishermen on the basis of

recommendations of the Fisherman Debt Relief Commission and to the extent that, such waiver is supported by financial aid to the individual Societies by the Government of Kerala. In other words, the individual Banks/Societies shall extend to the fishermen concerned the benefit extended by the Government of Kerala by providing financial assistance as recommended by the Fisherman Debt Relief Commission. It is also held that nothing in this judgment shall be construed as affecting the power of the Fisherman Debt Relief Commission to examine individual cases on their merits and to consider the cases of individual fishermen, who may approach the Debt Relief Commission for relief, in terms of the provisions contained in Section 5 of the Debts Relief Act, 2008, and also having regard to the powers of the Commission under Sections 9, 10, 11 and 12 of the Debt Relief Act, in respect of disaster-affected areas, which have been so declared in terms of the provisions contained in that Act. It is also made clear that if any

loan has already been closed by granting the benefit contemplated by the impugned Circulars and the loan documents have been returned to the individual borrowers, such loans shall not be reopened by the individual Co-operative Banks/Societies, on account of this judgment.

Sd/-

GOPINATH P.

JUDGE

NB/ats/18-1

APPENDIX OF WP(C) 33185/2011

PETITIONER'S EXHIBITS

EXHIBIT P1 **A TRUE COPY OF THE CIRCULAR NO.1/2011 DATED 03.01.2011 ISSUED BY THE 2ND RESPONDENT.**

EXHIBIT P2 **A TRUE COPY OF THE CIRCULAR NO.12/2011 DATED 01.02.2011 ISSUED BY THE 2ND RESPONDENT.**

EXHIBIT P3 **A TRUE COPY OF THE ORDER NO. CRP.(1) 6483/09 DATED 07.10.2011 OF THE THIRD RESPONDENT.**

EXHIBIT P4 **A TRUE COPY OF THE RESOLUTION DATED 19.10.2011 FORWARDED ON 20.10.2011 TO THE 4TH RESPONDENT.**

EXHIBIT P5 **A TRUE COPY OF THE LETTER NO. 953/PL/11-12 DATED 02.11.2011 OF THE 4TH RESPONDENT.**

EXHIBIT P6 **A TRUE COPY OF THE STATEMENT SHOWING THE LOAN DETAILS.**

EXHIBIT P7 **A TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 5465 OF 2011 DATED 22.02.2011.**

APPENDIX OF WP(C) 33187/2011

PETITIONER'S EXHIBITS

EXHIBIT P1	**A TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P2	**A TRUE COPY OF THE CIRCULAR NO.12/2011 DATED 01.02.2011 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P3	**A TRUE COPY OF THE ORDER NO. CRP (1) 6483/09 DATED 07.10.2011 OF THE THIRD RESPONDENT.**
EXHIBIT P4	**A TRUE COPY OF THE LETTER NO.1253/RO/03 DATED 16.04.2011 OF THE 4TH RESPONDENT.**
EXHIBIT P5	**A TRUE COPY OF THE STATEMENT SHOWING THE LOAN DETAILS.**
EXHIBIT P6	**A TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 5465 OF 2011 DATED 22.02.2011.**

APPENDIX OF WP(C) 34332/2011

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE AUDIT MEMORANDUM OF 2009-2010 DATED 28.11.2011.**
EXHIBIT P2	**TRUE COPY OF THE MORTGAGE DEED DATED 21.8.2007 CREATING GEHAN BY SRI.VISWANATHAN.M.N.**
EXHIBIT P3	**TRUE COPY OF THE SURETY BOND DATED 23.8.2007 EXECUTED BY SRI.VISWANATHAN.M.N.**
EXHIBIT P4	**TRUE COPY OF THE CIRCULAR NO.1/2011 DATED 3.1.2011.**
EXHIBIT P5	**TRUE COPY OF THE CIRCULAR NO.12/2011 DATED 1.2.2011.**
EXHIBIT P6	**TRUE COPY OF THE STATEMENT (AS ON 31.12.2009) PREPARED AS PER EXTS. P4 & P5 CIRCULARS.**
EXHIBIT P7	**TRUE COPY OF THE ORDER NO.P(1)3637/11 DATED 28.7.2011 OF THE 3RD RESPONDENT.**
EXHIBIT P8	**TRUE COPY OF THE STATEMENT PREPARED BY THE SECRETARY OF THE BANK.**

APPENDIX OF WP(C) 34384/2011

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE AUDIT MEMORANDU M OF 2009 - 2010 DATED 25.03.2011**
EXHIBIT P2	**TRUE COPY OF THE MORTGAGE DEED DATED. 01.10.2007 CREATING GEHAN BY SMT.KARTHIYAYINI .**
EXHIBIT P3	**TRUE COPY OF THE SURETY BOND DATED 01.10.2007 EXECUTED BY SMT. KARTHIYAYINI AND ANOTHER.**
EXHIBIT P4	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P5	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011.**
EXHIBIT P6	**TRUE COPY OF THE STATEMENT (AS ON 31.12.2009) PREPARED AS PER EXTS. P4 & P5 CIRCULARS.**
EXHIBIT P7	**TRUE COPY OF THE ORDER NO. P(1) 3637/11 DATED 28.07.2011 OF THE 3RD RESPONDENT.**
EXHIBIT P8	**TRUE COPY OF THE VALUATION REPORT DATED NIL OF THE PROPERTY OFFERED BY SMT.KARTHIYAYINI.**
EXHIBIT P9	**TRUE COPY OF THE STATEMENT DATED 31.07.2015 PREPARED BY THE SECRETARY OF THE BANK.**

APPENDIX OF WP(C) 34835/2011

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011.**
EXHIBIT P3	**TRUE COPY OF THE STATEMENT (AS ON 31.12.2009) PREPARED AS PER EXTS.P1 & P2 CIRCULARS.**
EXHIBIT P4	**TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 5465/2011.**
EXHIBIT P5	**TRUE COPY OF THE STATEMENT DATED 1.8.2015 PREPARED BY THE SECRETARY OF THE BANK.**

APPENDIX OF WP(C) 804/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE GOVERNMENT ORDER, G.O.(P) 91/2010/FPD DATED 06-12-2010.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03-01-2011.**
EXHIBIT P3	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01-02-2011.**
EXHIBIT P4	**TRUE COPY OF THE STATEMENT SHOWING THE ARREARS AND LOSS, THE PETITIONER WILL BE SUBJECTED TO IF COMPLIED WITH EXHIBITS P2 AND P3.**
EXHIBIT P5	**TRUE COPY OF THE RELEVANT PORTION OF THE AUDIT CERTIFICATE FOR THE YEAR 2009-2010, ISSUED BY THE ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT) IN RESPECT OF THE PETITIONER SOCIETY DATED 16-05-2011.**
Exhibit P6	**TRUE COPY OF ORDER NO. H.M.10947/09 DATED 05.07.2012 OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) KOLLAM.**
Exhibit P7	**TRUE COPY OF LIST CONTAINING THE NAMES OF 60 LOANEES OF THE PETITIONER - BANK, WITH THE DETAILS OF THEIR LOANS FORWARDED BY THE JOINT REGISTRAR TO THE PETITIONER.**
Exhibit P8	**TRUE COPY OF THE LIST CONTAINING THE DETAILS OF THE LOANS TAKEN BY THE SAID 60 PERSONS, THE AMOUNTS RE-IMBURSED BY THE GOVERNMENT IN RESPECT OF THE SAME AS PER EXT.P6.**

APPENDIX OF WP(C) 4610/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011.**
EXHIBIT P3	**TRUE COPY OF THE ORDER DATED 17.10.2011 OF THE DEBT RELIEF COMMISSION.**
EXHIBIT P3A	**TRUE COPY OF THE LETTER DATED 28.11.2011 OF THE SECRETARY OF THE KERALA STATE FISHERMEN DEBT RELIEF COMMISSION.**
EXHIBIT P4	**TRUE COPY OF THE LETTER WITH NUMBER: 953/P.L/10-11 DATED 12.09.2011 OF THE 4TH RESPONDENT.**

APPENDIX OF WP(C) 4625/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**A TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P2	**A TRUE COPY OF THE CIRCULAR NO.12/2011 DATED 01.02.2011.**
EXHIBIT P3	**A TRUE COPY OF THE LETTER WITH NUMBER: 953/P.L./10-11 DATED 12.9.2011 OF THE 4TH RESPONDENT.**
EXHIBIT P4	**A TRUE COPY OF THE STATEMENT SHOWING THE LIST OF MEMBERS, THEIR LOAN AMOUNT, BALANCE PRINCIPAL, INTEREST, PENAL INTEREST AND THE FIGURE SHOWING THE ELIGIBLE AMOUNT OF WAIVER AND THE BALANCE AMOUNT.**

APPENDIX OF WP(C) 12748/2012

PETITIONER'S EXHIBITS

EXHIBIT P1 **COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011 ISSUED B Y THE 3RD RESPONDENT.**

EXHIBIT P2 **COPY OF THE CIRCULAR NO.12/2011 DATED 01.02.2011 ISSUED BY THE 3RD RESPONDENT.**

EXHIBIT P3 **COPY OF THE STATEMENT ISSUED BY THE 1ST RESPONDENT, SHOWING DETAILS OF THE LOANS GIVEN TO THE BENEFICIARIES UNDER EXTS.P1 AND P2 CIRCULARS.**

EXHIBIT P4 **COPY OF THE INTERIM ORDER IN WP(C) NO.33185 OF 2011 DATED 06.03.2012.**

APPENDIX OF WP(C) 14658/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE CIRCULAR NO. 1/2011.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 12/2011**
EXHIBIT P3	**TRUE COPY OF STATEMENT OF LOAN AVAILED BY FISHERMEN.**

APPENDIX OF WP(C) 16427/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P2	**COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011 ISSUED BY THE 3RD RESPONDENT.**
EXHIBIT P3	**COPY OF RELEVANT PAGES OF THE AUDIT CERTIFICATE FOR THE YEAR 2009-2010.**
EXHIBIT P4	**COPY OF THE INTERIM ORDER IN WP(C) NO. 33185 OF 2011 DATED 06.03.2012.**
EXHIBIT P5	**COPY OF THE INTERIM ORDER DATED 4-6-2012 IN WP(C) NO.12748 OF 2012.**

APPENDIX OF WP(C) 18050/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE CIRCULAR NO. 17/2009 ISSUED BY THE 4TH RESPONDENT DATED 29.12.2009.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 6/2010 ISSUED BY THE 4TH RESPONDENT DATED 30.11.2010**
EXHIBIT P3	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P4	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P5	**A TRUE COPY OF THE ORDER NO. CRP (1) 6483/09 DATED 07.10.2011 OF THE THIRD RESPONDENT.**
EXHIBIT P6	**TRUE COPY OF THE STATEMENT OF LOANS OVERDUE OF FISHERMAN MEMBERS AS ON OCTOBER 2011 IN RESPECT OF CHEMMAD BRANCH.**
EXHIBIT P7	**TRUE COPY OF THE STATEMENT AS ON 31.12.2009 SHOWING THE OUTSTANDING AMOUNT OF DEBT OF FISHERMEN INCLUDED IN THE DEBT RELIEF SCHEME.**
EXHIBIT P8	**A TRUE COPY OF THE LETTER NO. BM/10-11 DATED 08.02.2011 OF THE PETITIONER.**
EXHIBIT P9	**A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR CO-OPERATION DATED 11.11.2011.**
EXHIBIT P10	**A TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 5465 OF 2011 DATED 22.02.2011.**

RESPONDENT EXHIBITS

EXHIBIT R4(A)	**TRUE COPY OF THE LETTER NO. NB KERALA IDD/3744/B11/2013-14 DATED 27.06.2013 OF THE NABARD.**
EXHIBIT R4(B)	**TRUE COPY OF THE LETTER NO. R1/006139/LSP/ROWD/2018-19 DATED 07.06.2019 ISSUED BY THIS RESPONDENT BANK.**
EXHIBIT R4(C)	**TRUE COPY OF THE LETTER NO.R1/KFDRC/2018-19 DATED 04.02.2021 OF THIS RESPONDENT BANK.**

APPENDIX OF WP(C) 25960/2012

PETITIONER'S EXHIBITS

EXHIBIT P1 **TRUE PHOTOCOPY OF THE CIRCULAR NO. 31/2012 ISSUED BY FIRST RESPONDENT DATED 30.06.2012.**

EXHIBIT P2 **TRUE PHOTOCOPY OF THE STATEMENT OF ACCOUNT OF DEFAULTED FISHERMEN AS ON 31.12.2009.**

EXHIBIT P3 **TRUE PHOTOCOPY OF THE ORDER ISSUED BY THIRD RESPONDENT DATED 20.06.2012.**

EXHIBIT P4 **TRUE PHOTOCOPY OF THE RESOLUTION NO.8 (C) OF THE COMMITTEE OF THE PETITIONER DATED 18.10.2012.**

APPENDIX OF WP(C) 27150/2012

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE CIRCULAR NO. 1/2011 DATED 03.01.2011.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO. 12/2011 DATED 01.02.2011.**
EXHIBIT P3	**TRUE COPY OF THE CIRCULAR NO. 31/2012 DATED 30.06.2012.**
EXHIBIT P4	**TRUE COPY OF DIRECTION NO. 1614/2012 DATED 07.08.2012, ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P5	**TRUE COPY OF THE DIRECTION NO. 1985/12 DATED 19.09.2012, ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P6	**TRUE COPY OF DIRECTION NO. 1816/2012 DATED 19.09.2012 ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P7	**TRUE COPY OF DIRECTION NO.19/12 DATED 17.10.2012 ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P8	**TRUE COPY OF THE INTERIM ORDER IN WP(C) 8528/2012 DATED 04.04.2012.**

APPENDIX OF WP(C) 32963/2014

PETITIONER'S EXHIBITS

EXT.P1 - A TRUE COPY OF THE CIRCULAR NO.1/2011 DATED 03-01-2011

EXT.P2 - A TRUE COPY OF THE CIRCULAR 12/2011 DATED 01-02-2011 IS ISSUED BY THE 2ND RESPONDENT

EXT.P3 - A TRUE COPY OF THE CIRCULAR NO.31/2012 DATED 30-06-2012

EXT.P4 - A TRUE COPY OF THE RELEVANT PAGES OF THE STATEMENT SHOWING THE ELIGIBLE AMOUNT OF WAIVER IN RESPECT OF 582 LOANEES

EXT.P5 - A TRUE COPY OF THE PROCEEDINGS NO.H.M2656/2014 DATED 03-04-2014 OF THE 3RD RESPONDENT ALONG WITH STATEMENT

EXT.P6 - A TRUE COPY OF THE STATEMENT SHOWING THE AMOUNT TO BE COLLECTED FROM THE 600 LOANEES, THE AMOUNT SANCTIONED UNDER THE DEBT RELIEF SCHEME AND THE TOTAL AMOUNT OF LOSS, IN CASE THE LOAN ACCOUNTS

EXT.P7 - A TRUE COPY OF THE CIRCULAR NO.33/2013 DATED 20-04-2013

EXT.P8 - A TRUE COPY OF THE INTERIM ORDER IN WPC.NO.18050 OF 2012 DATED 01-08-2012

APPENDIX OF WP(C) 3030/2015

PETITIONER'S EXHIBITS

EXHIBIT P1 : COPY OF THE ORDER OF THE GOVERNMENT GO(P)NO.91/2010/FPD DTD.6.12.2010.

EXHIBIT P2 : COPY OF THE ORDER IN WPC NO.804 OF 2012 DTD.11.1.2012.

EXHIBIT P3 : COPY OF THE CIRCULAR NO.31/2012 DTD.30.6.2012 OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXHIBIT P4 : COPY OF THE DETAILS FURNISHED BY THE BANK IN THE PRESCRIBED FORMAT.

EXHIBIT P5 : COPY OF THE LIST OF BORROWERS WHOSE LOAN HAS TO BE WAIVED BASED ON THE AWARD OF COMMISSION.

EXHIBIT P6 : COPY OF THE RESOLUTION OF THE BANK DTD.10.11.2014.

EXHIBIT P7 : COPY OF THE CIRCULAR ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES, NO.42/14 DTD.21.8.2014.

EXHIBIT P8 : COPY OF THE CIRCULAR ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES, NO.44/2014 DTD.27.9.2014.

EXHIBIT P9 : TRUE COPY OF THE ORDER OF THE DEBT RELIEFS COMMISSION, NO.209/613 DATED 13.03.2018.

EXHIBIT P10 : TRUE COPY OF THE LETTER NO.C.L.T(3)29976/15 DATED 29.05.2018 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

APPENDIX OF WP(C) 11417/2018

PETITIONER'S EXHIBITS

EXHIBIT P1 **TRUE COPY OF THE LOAN APPLICATION DATED 05.04.2002 SUBMITTED BY THE 2ND RESPONDENT BEFORE THE PETITIONER BANK.**

EXHIBIT P2 **TRUE COPY OF THE NOTIFICATION ISSUED BY THE BANK.**

EXHIBIT P3 **TRUE COPY OF THE ORDER DATED 24.08.2017 OF THE 1ST RESPONDENT.**

APPENDIX OF WP(C) 26470/2018

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE ORDER - 20041170 DATED 30.10.2004 ISSUED BY THE 4TH RESPONDENT.**
EXHIBIT P2	**TRUE COPY OF THE CIRCULAR NO.01/2011 DATED 03.01.2011 ISSUED BY 1ST RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE CIRCULAR NO.12/2011 DATED 01.02.2011 ISSUED BY 1ST RESPONDENT.**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 30.04.2018 PASSED IN THE APPLICATION NO.502/312 OF THE 6TH RESPONDENT.**
EXHIBIT P5	**ORDER DATED 30.04.2018 PASSED IN THE APPLICATION NO.503/312 OF THE 7TH RESPONDENT.**
EXHIBIT P6	**ORDER DATED 30.04.2018 PASSED IN THE APPLICATION NO.502/12 OF THE 8TH RESPONDENT.**

TRUE COPY

P.A. TO JUDGE