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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 15667 OF 2025

PETITIONERS:

1 KK MAMMOOTTY, AGED 75 YEARS
S/O KUNHABDULLA, KOYTHIKANDY, PANTHIPOYIL,
PADINJARETHARA POST, VARAMBATTA,
WAYANAD DISTRICT, PIN - 673575

2 VARGHESE PK,AGED 64 YEARS
S/O KURIEN, PUNNAKKUZHIYIL,
PADINJARETHARA POST, WAYANAD DISTRICT - 673575

BY ADVS.
ARUN CHANDRAN
AMRITA ARUN
HARIMOHAN
HANA KARNOLIA MADONA CYRIL
ASWATHY S MENON
JYOTHIKUMAR R.

RESPONDENTS:

1 THE DISTRICT POLICE CHIEF
OFFICE OF THE DISTRICT POLICE CHIEF,
CIVIL STATION, MADATHUMPADI, KOZHIKODE,
KALPETTA, KERALA, PIN - 673122

2 THE STATION HOUSE OFFICER
PADINJARETHARA POLICE STATION,

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PADINJARETHARA, WAYANAD DISTRICT,
KERALA, PIN - 673575

3 THE STATE COOPERATIVE ELECTION COMMISSION
3RD FLOOR, CO-BANK TOWERS, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, PIN - 695033

4 THE RETURNING OFFICER/ UNIT INSPECTOR [VYTHIRI]

THE PADINJARATHARA SERVICE CO-OPERATIVE BANK,
VYTHIRI, WAYANAD DISTRICT, PIN - 673575

5 RAVEENDRAN K
KALAYANTHANATH, VARAMPATTA, PANTHIPPOYIL,
PADINJARETHARA POST, WAYANAD DISTRICT – 673575
BY SMT.MABLE C. KURIAN, SR.GP
BY SRI.C.M.NAZAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

The State Co-operative Election Commission, the 3rd respondent has notified election to the Managing Committee of the Padinjarethara Service Co-operative Bank to be held at the Padinjarethara A.U.P.School on 12.04.2025. The petitioners are candidates contesting the election and they apprehend law and order situation at the election. Accordingly, they have filed this writ petition for the following reliefs.:

> "i. issue a writ in the nature of mandamus or any other appropriate writ order or direction, directing respondents 1 to 2 to comply with the directions contained in Exhibit

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P4 Circular by ensuring smooth conduct of election to the managing committee of the Padinjarethara Service Cooperative Bank Ltd.No.F1664, scheduled to be held on 12.04.2025, till the declaration of results;

ii. issue a writ in the nature of mandamus or any other appropriate writ order or direction, directing respondents 3 and 4 to take necessary steps to prevent bogus voting in the election to the managing committee of the Padinjarethara Service Cooperative Bank Ltd. No.F1664, scheduled to be held on 12.04.2025, by ensuring that ballot paper is issued to the voters only on production of the identity card and another document of proof mentioned in the Explanation to Rule 35A(6)(n)(ix) of the KCS Rules and on being

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satisfied regarding the identity of the voter;

iii. issue a writ in the nature of mandamus or any other appropriate writ order or direction, directing respondents 3 and 4 to install CCTV or video recording and to record the entire election process on 12.04.2025, in the premises where the election is conducted, till the declaration of results."

2. There is a duty cast on the State Co-operative Election Commission and the Returning Officer to ensure a free and fair election to the Managing Committee of the Society. Further, duty is also cast on the Police to give adequate and effective protection to the voters for exercising their franchise in a free and fair manner.

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3. Heard learned counsel for the petitioners, Sri.C.M.Nazar, the learned Standing Counsel for the Co-operative Election Commission and Smt.Mable C.Kurian, the learned Government Pleader. In the nature of the order I propose to pass, notice to the 5th respondent is dispensed with.

4. Sri.C.M.Nazar, the learned Standing Counsel for the Co-operative Election Commission submits that all arrangements have been made for a free and fair election to the Managing Committee of the Society slated on 12.04.2025. The learned Standing Counsel also submits that the Returning Officer has already requested for necessary police protection for the conduct of

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election.

5. In the facts and circumstances of the case, there will be a direction to respondents 3 and 4 to ensure that the election to the Managing Committee of the Society is conducted in a free and fair manner. There will be a further direction to respondents 1 and 2 to give adequate and effective protection to the candidates, voters and the Electoral Officers at the venue of the election and to maintain law and order in the locality. The Returning Officer shall ensure the identity of the voters and comply with the provisions of Rule 35A (6) (n) (ix) of the Kerala Co-operative Societies Rules, 1969. The Returning Officer shall also arrange for videographing the poll process and

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keep the same in a sealed cover along with other records of election. The expenses of the videographing shall be met by the petitioners.

The writ petition is disposed of with the above directions.

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

SB

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APPENDIX

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE ELECTION TABLE PUBLISHED BY THE RESPONDENT STATE COOPERATIVE ELECTION COMMISSION, BEARING DATE 24.02.2025.**
Exhibit P2	**TRUE COPY OF THE JUDGMENT DATED 03.04.2025 IN WRIT PETITION [CIVIL] NO. 12684 OF 2025.**
Exhibit P3	**TRUE COPY OF THE COMPLAINT SUBMITTED BY THE SECRETARY OF THE SOCIETY BEFORE RESPONDENT NO1 AND 2 DATED 09.04.2025.**
Exhibit P4	**TRUE COPY OF THE CIRCULAR NO.28/2013 DATED 20-11-2013 ISSUED BY THE STATE POLICE CHIEF.**
Exhibit P5	**. A TRUE COPY OF THE JUDGMENT DATED 23.01. 2025 IN WP(C) NO.2715 OF 2025 OF THIS HON'BLE COURT .**