IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 15908 OF 2025

PETITIONER:

MADHUSUDHANANPILLAI K.R
AGED 60 YEARS
S/O. RAMAKRISHNA PILLAI, KALLELIL HOUSE,
EDANAD P.O., CHENGANNUR,
ALAPPUZHA DISTRICT, PIN - 689121

BY ADVS.
NISHA GEORGE
GEORGE POONTHOTTAM (SR.)
ANSHIN K.K

RESPONDENTS:

1 **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)**
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), MULLAKKAL,
ALAPPUZHA, PIN - 688011

2 **ANILKUMAR G.**
ENQUIRY OFFICER APPOINTED UNDER SECTION 68(1) OF THE KCS ACT, CHENGANNUR SERVICE CO-OPERATIVE BANK LTD NO. 3351 CHENGANNUR P.O.,
ALAPPUZHA, PIN - 689121

3 **CHENGANNUR SERVICE CO-OPERATIVE BANK LTD NO. 3351,**
CHENGANNUR P.O., ALAPPUZHA,
REPRESENTED BY ITS SECRETARY, PIN - 689121

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the erstwhile Secretary of the 3rd respondent Society. The 1st respondent initiated proceedings under Section 68(1) of the Kerala Co-operative Societies Act, 1969 (for short 'the Act'). Pursuant to the same, the petitioner has been issued with Ext.P6 notice under Section 68(2) of the Act. The grievance of the petitioner is that the petitioner was issued with Section 68(1) report after the issuance of Ext.P6. The petitioner submits that since he has been issued with the copy of Section 68(1) report belatedly, he could not effectively defend the matter before the 1st respondent.

2. Heard the learned counsel for the petitioner and the learned Government Pleader. In the nature of the order I propose to pass, notice to respondents 2 and 3 is dispensed with.

3. Since an order of surcharge entail civil consequence, the person who has been issued with Section 68(1) notice has to be given an opportunity of hearing as provided under the said section. Therefore, since the petitioner has now been served with Section 68(1) report, there will be a direction to the 1st respondent to hear the petitioner on the basis of the said report and other contentions to be advanced by the petitioner, and take the proceedings pursuant to Ext.P6 to a logical

conclusion. The petitioner shall therefore, appear before the 1st respondent on 21.04.2025 at 11 .a.m for hearing. The Joint Registrar shall pass orders in accordance with law, after hearing the petitioner and any other affected parties, expeditiously.

The writ petition is disposed of.

Sd/-

MURALI PURUSHOTHAMAN
JUDGE

SB

APPENDIX

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE RELEVANT PAGES OF SECTION 65 INQUIRY REPORT DATED 27.12.2021**
Exhibit P2	**TRUE COPY OF THE SHOW CAUSE NOTICE DATED 03.10.2022 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER**
Exhibit P3	**TRUE COPY OF THE REPLY DATED NIL SUBMITTED BEFORE THE 1ST RESPONDENT BY THE PETITIONER**
Exhibit P4	**TRUE COPY OF THE SHOW CAUSE NOTICE DATED 25.02.2023 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P5	**TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 23.03.2023**
Exhibit P6	**TRUE COPY OF THE NOTICE UNDER SECTION 68(2) DATED 19.03.2025 ISSUED BY THE 1ST RESPONDENT**
Exhibit P7	**TRUE COPY OF THE REPLY DATED 27.03.2025 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**
Exhibit P8	**TRUE COPY OF THE SECTION 68(1) REPORT SUBMITTED ON 19.01.2024.**