

(2007) 05 KL CK 0026
In the High Court Of Kerala
Case No : W.A. No. 788 of 2007

B. Krishna Kumar

APPELLANT

Vs

The Registrar of Co-operative Societies and Others

RESPONDENT

Date of Decision : 29-05-2007

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2007) 05 KL CK 0026

Hon'ble Judges : H.L. Dattu, C.J.;K.T. Sankaran, J

Bench : Division Bench

Advocate : K. Surendra Mohan, for the Appellant; P. Santhalingam, for the Respondent

Final Decision : Dismissed

Judgement

H.L. Dattu, C.J.—The 4th respondent is a society registered under the provisions of the Kerala Co-operative Societies Act and the Rules framed thereunder. The appellant/petitioner was a former member of the 4th respondent society. In the writ petition filed under Articles 226 and 227 of the Constitution of India, the appellant/petitioner sought the following reliefs. They are as under:

A. To call for the records and proceedings of the respondents relating to exhibit P-3 report and exhibit P-4 representation of the petitioner and after scrutiny thereof, to direct respondents 1 and 2 to pass appropriate orders removing the present office bearers of the 4th respondent- society and appointing an Administrator for the proper management of the affairs of the Company by the issue of a writ of mandamus or any other appropriate writ, order or direction;

B. To direct the respondents 1 and 2 to do all that is necessary to ensure that the 4th respondent does not go ahead with its project of purchase of land from M/s. Sudarshan Clay and Ceramics Ltd., at the price agreed to by it, and to return the amounts collected from prospective purchasers in respect of the said project within a specified time;

2. Learned Counsel appearing for the 4th respondent society, by way of a preliminary objection, would submit that the appellant/petitioner has no locus standi to maintain the writ petition on the ground that he is not member of the society.

3. Apart from the above preliminary objection, learned Counsel would submit that pursuant to the enquiry report that was submitted by the Junior Inspector of the Society, the Joint Registrar of Co-operative Societies had passed an order and that order has been set aside by this Court in W.P.(C) No. 29409/05 and connected matters and therefore, as on today, the reliefs sought for by the appellant/petitioner does not arise for consideration.

4. In so far as the first objection is concerned, we think, the learned Counsel for the 4th respondent is justified in making the submission that since the appellant/petitioner is not a member of the society, he cannot seek certain reliefs against the society. The provisions of the Co-operative Societies Act would permit a member to raise a dispute with regard to the affairs of the society before a Competent Authority under the Act.

5. In the instant case, the appellant/petitioner was a former member of the society and he has been removed from the membership of the society. In view of the above, the petitioner could not have maintained the writ petition before this Court inter alia requesting this Court to proceed against the society on the basis of the report of the Inquiry Officer.

6. Apart from the above, the Inquiry Officer had submitted his report dated 25.4.2005 before the Joint Registrar of Co-operative Societies. The Joint Registrar had passed an order and that order has been set aside by this Court.

In view of the above, none of the reliefs sought for by the appellant/petitioner in the writ petition would survive for consideration. Accordingly, the writ appeal is dismissed as having become unnecessary. Ordered accordingly.