

(2012) 06 KL CK 0223

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17082 of 2011 (I)

Babu John, (Member No.7, The Cherthala Town Traders" Welfare Co-Operative Society Ltd. No. A 1111) APPELLANT
Arakkaparambil House, Near Iron Bridge, Cmc-29 Cherthala,
G. Ramachandra Prabhu, (Member No.49, The Cherthala Town Traders" Welfare Co-Operative Society Ltd. No. A 1111)
Chemnnamcherry House, Cmc-34, Cherthala and Rani Babu, (Member No. 14, The Cherthala Town Traders" Welfare Co-Operative Society Ltd. No. A 1111) Arakkaparambil House, Near Iron Bridge, Cmc-29 Cherthala

Vs

The Joint Registrar of Co-Operative Societies (General), RESPONDENT
Alappuzha, Pin-688001 and Others

Date of Decision : 21-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0223

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : S.P. Aravindakshan Pillay, Smt. N. Santha, Sri. K.A. Balan, Sri. Peter Jose Christo and Sri. S.A. Anand, for the Appellant; Government Pleader Sri. P.P. Padmalayan, Smt. Anu Sivaraman, Sri. K. Anand (A.201), Latha Krishnan, Sri. V.G. Arun, Sri. T.R. Harikumar, for the Respondent

Judgement

Justice K. Surendra Mohan

1. The learned counsel appearing for the contesting parties submit that these Writ Petitions can be disposed of on consent. These Writ Petitions were filed challenging the stoppage of the election to the Managing Committee of the 3rd respondent Society consequent to rejection of some of the nomination papers. It is submitted by the counsel that pursuant to the interim orders issued by this Court, Administrators had been appointed to manage the affairs of the Society and that the Administrative Committee is in management thereof. What remains to be done is to effect certain amendments to the bye- laws of the Society and have a fresh election conducted. Therefore, it is submitted that by issuing

necessary directions for the said purpose, these Writ Petitions can be disposed of. The learned counsel also submit that the Administrative Committee may be directed not to take any policy decisions or to enroll new members. In view of the above submissions, these Writ Petitions are disposed of with the following directions.

(i) The Administrative Committee that is in management of the affairs of the 3rd respondent Society shall convene a meeting of the general body for the purpose of considering and passing necessary amendments to the bye-laws of the Society;

(ii) After making necessary amendments and registering them in accordance with law, the Administrative Committee shall conduct a fresh election to the Managing Committee of the 3rd respondent Society

(iii) The Administrative Committee shall initiate and complete necessary action for amending the bye-laws and shall complete the process of conduct of a fresh election, as expeditiously as possible and at any rate within a period of four months of the date of receipt of a copy of this judgment;

(iv). Respondents 1 and 2 shall do all that is necessary to ensure that the time stipulated above is scrupulously adhered to. It is also made clear that the Administrative Committee shall not take any policy decisions or enroll new members in the meantime.