
(2023) 06 KL CK 0158

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19043 Of 2023

Binod G. Pillai Kerala State Co Operative Election Commission

Date of Decision : 13-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0158

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : Liji.J.Vadakedom, Tom E. Jacob, Remy Elizabeth Thomas, Athul V. Vadakkedom, C.M.Nazar, Amminikutty

Final Decision : Disposed Of

Judgement

N.Nagaresh, J

1. The writ petition has been filed by the petitioner, who is a Candidate in the election to the Managing Committee of the 6th respondent-Vellavoor Central Service Co-operative Bank, scheduled to be held on 16.06.2023.

2. The petitioner states that election to the 6th respondent-Bank is conducted on political lines and going by the experience in the previous elections, there is likelihood of law and order problems during the election time. Unless respondents 4 and 5 extend sufficient police protection for peaceful conduct of the election, the petitioner and other members of the Bank will be put to untold hardship. It is highly necessary for peaceful and democratic process of election that respondents 4 and 5 extend sufficient protection.

3. The petitioner further submitted that unless the entire election process is videographed and recorded, there is a likelihood of manipulations in the election proceedings. Therefore, the 3rd respondent-Returning Officer should be directed to videograph the election. The petitioner further submitted that the respondents are bound to conduct election strictly in accordance with Ext.P1 Election Notification. Clause 8 of Ext.P1 mandates that members should be permitted to vote only on production of specified identity documents.

4. Standing Counsel entered appearance on behalf of respondents 1 to 3. On behalf of respondents 1 to 3, it is submitted that respondents 2 and 3 have taken all steps for peaceful conduct of the election to the Managing Committee of the Bank.

5. Government Pleader entered appearance on behalf of respondents 4 and 5. It is submitted that the issue being election to the Managing Committee of a Co-operative Bank, the authorities in the normal course will be deploying sufficient number of police personnel. If there is any law and order issue, the police will be interfering in the matter promptly.

6. I have heard the learned counsel for the petitioner, the learned Standing Counsel representing respondents 1 to 3 and the learned Government Pleader representing respondents 4 and 5. Notice to the 6th respondent is dispensed with, in view of the nature of the relief to be granted in the writ petition.

7. The concern of the petitioner, who is a Candidate in the election to be held to the Managing Committee of the 6th respondent-Co-operative Bank, is that the due and peaceful election process is likely to be scuttled by political rivals. According to the petitioner, going by the previous incidents, there is a likelihood of law and order problem and manipulation in the election.

8. Taking into consideration the facts of the case and the concern expressed by the petitioner, the writ petition is disposed of with the following directions:-

(1) Respondents 4 and 5 shall extend sufficient number of police personnel for smooth and peaceful conduct of the election to the Managing Committee of the 6th respondent-Co-operative Bank scheduled to be held on 16.06.2023 and the police protection shall continue during the time of counting of ballots also.

(2) If the petitioner offers to make payment for expenses, the 3rd respondent shall arrange to videograph the entire election process.

(3) Needless to say, respondents 2 and 3 will ensure that the election is conducted strictly in terms of Ext.P1 Notification.