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**(2017) 08 KL CK 0013**

**In the High Court Of Kerala**

**Case No : 1703 of 2017 ( ) IN WP(C) 26154 of 2017**

D.P RAJASEKHARAN

APPELLANT

Vs

THE STATE CO-OPERATIVE ELECTION COMMISSION

RESPONDENT

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**Date of Decision : 14-08-2017**

**Acts Referred:**

**Citation : (2017) 08 KL CK 0013**

**Hon'ble Judges : Navaniti Prasad Singh, Raja Vijayaraghavan V**

**Bench : DIVISION BENCH**

**Advocate : B.S.SWATHY KUMAR, ?ANITHA RAVINDRAN, ?T.RESHMA, ?  
HARISANKAR N UNNI, ?S.SIKKY**

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## **Judgement**

1. We have heard learned counsel for the appellants and the learned counsel for the State and we see no reason to interfere with the order of the learned Single Judge.

2. The nominations of the writ petitioners/appellants for contesting the election to the Managing Committee of the Sulthan Bathery Urban Co-Operative Bank were rejected. This is the subject matter of challenge. It is submitted that this Court in the case of Ambatt Asokan v. Oochira Service Co-operative Bank Ltd . [2008 (3) KLT 645] has held that dual membership is not a ground for disqualifying a nominee for the election. Learned Government Pleader points out that the same judgment says that this position would apply unless the bye-laws do not state otherwise. He says that in the writ petition there is no

statement that the bye-laws did not prohibit dual membership. The appellants were members of Sultan Bathery Urban Co-operative Bank Ltd. as well as Sultanbathery Primary Co-operative Agricultural Rural Development Bank and thus actions of the Returning Officer in rejecting the nominations is submitted to be valid.

3. Be that as it may, once the election process has started and that too when the grounds are absolutely unclear and contestable, it is advisable not to interfere. The learned Single Judge had rightly refused to interfere. After hearing the learned Counsel appearing for the appellant, we find no merit in the appeal and the same is accordingly dismissed. Liberty is however given to the appellants to challenge the results of the election if he is so advised.