

(2023) 06 KL CK 0085

In the High Court Of Kerala

Case No : Writ Petition (C) No.18450 Of 2023

Kerala Rural Development Co-Operative Microfinance Society
Ltd

APPELLANT

Vs

State Co Operative Election Commission Co Bank Towers,
Vikas Bhavan, Palayam, Thiruvananthapuram, Pin 695033

RESPONDENT

Date of Decision : 07-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0085

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : K.Rajesh Kannan, Reshmi Thomas

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. The petitioner is a society registered under the Kerala Co-operative Societies Act, 1969. The Managing Committee of the society took a resolution on 28.04.2023 to conduct election of the Managing Committee on 27.06.2023. The resolution was duly forwarded to the State Co-operative Election Commission. However, the State Co-operative Election Commission has issued Ext.P3 communication stating that since the term of the committee is still 18.11.2023, the resolution cannot be acted upon.

2. The learned counsel for the petitioner would submit that this Court has considered an identical issue in W.P.(C) Nos. 16537 and 15779 of 2023 and had allowed those writ petitions by Ext.P4 judgment relying on the judgment of this Court in Managing Committee, Thiruvalla East Co-operative Bank Ltd. v. State Co-operative Election Commission, Tvm and Others; 2016 (4) KHC 703.

3. Having heard the learned counsel for the petitioner, the learned Standing Counsel for the State Co-operative Election Commission and the learned Government Pleader appearing for the 2nd respondent this writ petition will

stand allowed in terms of Ext.P4 judgment. The issue is covered by Ext.P4 judgment and the earlier judgment of this Court in Managing Committee, Thiruvalla East Co-operative Bank Ltd. (supra). Accordingly, Ext.P3 is quashed.

The petitioner society shall pass a fresh resolution regarding the conduct of election and the 1st respondent shall take decision on such resolution without being influenced by the fact that resolution is taken much earlier than the period of 60 days prior to the date of expiry of term of the present Managing Committee. The 1st respondent shall take decision on the resolution to be forwarded by the Managing Committee of the petitioner society within a period of four weeks from the date on which such resolution is received by the 1st respondent.

The writ petition is disposed of as above.