

(2023) 11 KL CK 0138

In the High Court Of Kerala

Case No : Writ Petition (C) No. 39355 Of 2023

Manuel Joseph

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-11-2023

Acts Referred:

Citation : (2023) 11 KL CK 0138

Hon'ble Judges : Basant Balaji, J

Bench : Single Bench

Advocate : Gikku Jacob, C. M. Nazar

Final Decision : Disposed Of

Judgement

Basant Balaji, J

1. This petition is filed by the members of the Kozhuvanal Service Co-operative Bank Ltd. and candidate in the proposed election to the Managing Committee of the said society. The State Co-operative Election Commission had issued notification No.01/2034/2023/E(2)S.C.E.C dated 21/10/2023 to conduct an election to the Managing Committee on 3.12.2023 at the St. Johns Nepumsians Higher Secondary School, Kozhuvanal from 8 a.m. to 4.p.m.

2. The petitioner apprehends chances of violence and attempts to prevent the members coming to the polling station to caste their votes. The petitioner also points out that in an election conducted on 14.5.2022 at the Primary Co-operative Agricultural and Rural Development Bank, Thodupuzha, there was bogus voting and obstructions against free exercise of their will. In these circumstances, they approached the 3rd respondent with a representation on 21.11.2023. Similar representations were also submitted to respondent Nos.4 and 5. But they have not taken any action on the said applications. On these grounds, they approached respondent Nos.3 to 5 with a prayer to provide adequate police protection so that the election is conducted in a disciplined manner and there is no obstruction to the members of the Bank to caste their

votes. Further direction is also sought to direct the 6th respondent to engage a videographer to record the entry points and the premises of the polling stations at St. Johns Nepumsians Higher Secondary School, Kozhuvannal from 8 am till the end of polling on 3.12.2023.

3. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel and the learned Government Pleader appearing for the respondents.

4. The Government pleader submits that proper steps are being taken to deploy sufficient police to see that the election is being conducted in a peaceful manner.

5. In the facts and circumstances of the case, this writ petition is disposed of directing the respondents 3 to 5 to provide effective and meaningful protection for the peaceful conduct of the election to be held on 3.12.2023 at the St. Johns Nepumsians Higher Secondary School, Kozhuvanal from 8 a.m. to 4.p.m. to elect the Managing Committee of the second respondent, till the election process is completed. The petitioner can move the 6th respondent with an application for videography, and if such petition is filed the 6th respondent shall allow Videography at the expense of the petitioner under the strict supervision of the 6th respondent without interfering with the secrecy of the voting.

The writ petition is disposed of.