
(2023) 06 KL CK 0319

In the High Court Of Kerala

Case No : Writ Petition (C) No. 18259 Of 2023

Naduvil Service Co Operative Bank Ltd.No.LI 136,
Represented By Its Secretary

APPELLANT

Vs

State Co Operative Election Commission, Represented By It
Secretary

RESPONDENT

Date of Decision : 21-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0319

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

**Advocate : P.N.Mohanan, C.P.Sabari, Amrutha Suresh, Gilroy Rozario,
P.P.Thajudheen**

Final Decision : Disposed Of

Judgement

Gopinath P, J

1. The petitioner has approached this Court being aggrieved by the fact that Ext.P2 resolution adopted by the petitioner for conduct of elections to the Managing Committee of the petitioner on 30.07.2023 has been returned in terms of Ext.P4 communication of the State Co-operative Election Commission on the ground that the resolution proposes to hold election much before the term of the present Managing Committee is set to expire.

2. The learned counsel appearing for the Election Commission would submit that the question of co-option of two members to the Managing Committee of the petitioner society is in dispute and the Joint Registrar had passed an order in the matter of such co-option, which is under challenge in W.P. (C)No.15659 of 2023. It is submitted that the question as to whether Ext.P2 resolution is valid on account of the fact that the co-option of two members is illegal, is a matter to be considered.

3. The learned counsel appearing for the petitioner, in reply would submit that

even if the co-option of two members of the Managing Committee is held to be bad, the same will not affect Ext.P2 resolution as even without such co-option there were sufficient quorum in the meeting of the Managing Committee which passed the resolution.

4. I have considered a similar issue in W.P.(C)No. 16537 of 2023 and connected case, where having regard to 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] I had held that the State Co-operative Election cannot refuse to act on a resolution duly passed by the committee to hold elections on a particular date on the ground that there is sufficient time to hold elections on a later date considering the term of the Managing Committee. W.P.(C)No. 16537 of 2023 and connected case was disposed of in the following manner:-

"5. The contentions taken by the learned counsel for the State Co-operative Election Commission appears to be completely answered by the decision of this Court in Managing Committee, Thiruvalla East Co-operative Bank Ltd. (supra). I see no reason to take a view different from the view taken by the learned Judge in Managing Committee, Thiruvalla East Co-operative Bank Ltd.(supra). Therefore, these writ petitions are allowed. Ext.P3 in W.P.(C)No.15779/2023 is quashed and the State Co-operative Election Commission is directed to act on any fresh resolution that may be forwarded by the Managing Committee of the petitioner-Society, to conduct the elections on any particular date, without any further delay. Ext.P5 in W.P.(C)No.16537/2023 is quashed and the State Co-operative Election Commission is directed to act on any fresh resolution that may be forwarded to the State Election Commission by the Managing Committee of the petitioner-Society, to conduct the elections on any particular date, without any further delay."

5. Having regard to the above facts and circumstances and taking into account the view taken by this Court in Managing Committee, Thiruvalla East Co-operative Bank Ltd (supra) as also the judgment of this Court in W.P. (C)No.16537 of 2023 and connected case, this writ petition will stand disposed of directing the Election Commission to take appropriate action in terms of Ext.P2 resolution already forwarded to it and to take steps to hold elections to the Managing Committee of the petitioner society on 30.07.2023.

The writ petition is disposed of as above.