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**(2019) 06 KL CK 0024**

**In the High Court Of Kerala**

**Case No : Writ Petition (Civil) No. 15650 Of 2019**

P.Radhakrishnan

APPELLANT

Vs

Joint Registrar

RESPONDENT

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**Date of Decision : 07-06-2019**

**Acts Referred:**

Kerala Co-operative Societies Rules, 1969 — Rule 44(1), 44(3)

**Citation : (2019) 06 KL CK 0024**

**Hon'ble Judges : Devan Ramachandran, J**

**Bench : Single Bench**

**Advocate : U.K.Devidas, C S Sheeja**

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**Judgement**

1. The petitioner, who is stated to be the member of the Managing Committee of the 2nd respondent-Co-operative Bank, impugns Ext.P2 notice issued to him, under Rule 44(3) of the Kerala Co-operative Societies Rules (hereinafter referred to as Rules for short), by the Joint Registrar, Malappuram, alleging that the said notice is illegal and unlawful.

2. According to the petitioner, as is clear from the said notice, the attempt of the Joint Registrar is to disqualify him under the provisions of Rule 44(1) and he prays that the said attempt be interdicted by this Court, because he had already paid off all the dues to the Bank; and therefore, asserts that any further action against him in this manner is illegal and unlawful.

3. Even though I hear Sri.U.K.Devidas, the learned counsel for the petitioner, on the afore lines, the fact remains that Ext.P2 is only a notice and the petitioner can raise all his objections against the contents therein, in terms of law, before the competent Authority. He is certainly also at liberty to show that he has cleared all the liability and that he is not liable to be

disqualified under any of the provisions of Rule 44(1); and I have no reason to doubt that the said Authority will consider the same in terms of law before any further action is taken.

4. I cannot, therefore, see any reason to interdict Ext.P2 notice, which only offers the petitioner an opportunity of being heard and it is now well settled

in law that show-cause notices should not be interdicted by this Court merely on the basis of apprehension.(See for support *State of Madhya Pradesh*

and Others v. Sanjay Nagayach and Others [2013(7) SCC 25] and *Special Director and Another v. Mohd.Ghulam Ghouse and Another* [2004(3) SCC

440].

5. When my mind as afore was gauged at the Bar by Sri.U.K.Devidas, he submitted that if this Court is not inclined to grant the reliefs sought for by

the petitioner against Ext.P2, then directions may be issued to the Joint Registrar of Co-operative Societies not to disqualify his client for a period of 10

days after the order under Rule 44(1) is issued by him. I am afraid that I cannot accede to this request either, because it is based purely on a

speculative apprehension because it is possible that the Joint Registrar may also find in his favour based on the relevant documents. In fact, the

Hon'ble Supreme Court has in the judgment in *Manish S. Pardasani (M/s Wine Kornder) v. Inspector State Excise, P-1, Division, Mumbai(Suburbs) &*

*Ors.* [Civil Appeal Nos.126-156 of 2019] has cautioned Hight Courts from issuing directions in anticipation of orders before they are issued by the

concerned Authorities.

In the afore circumstances, I cannot find merit in any of the contentions of the petitioner and I, therefore, dismiss this Writ Petition; however, leaving

liberty to him to invoke and pursue all available remedies against any order that may be issued by the Joint Registrar of Co-operative Societies

pursuant to the proceedings taken forward after Ext.P2 notice.