

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 07TH DAY OF AUGUST 2019 / 16TH SRAVANA, 1941

RP.No.648 OF 2019 IN WP(C). 40933/2018

AGAINST THE ORDER/JUDGMENT IN WP(C) 40933/2018(N) OF HIGH COURT OF KERALA

REVIEW PETITIONER/1ST RESPONDENT IN WPC:

THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT
OFFICE OF THE DEPUTY DIRECTOR OF DIARY DEVELOPMENT,
KOTTAYAM - 686 001.

SRI.BIMAL K NATH - SR.GP

RESPONDENT/PETITIONERS & RESPONDENTS 2 TO 4 IN WPC:

- 1 K.M.RAJU
KONDUKALAYIL HOUSE, KANJIRATHANAM P.O., KOTTAYAM.
- 2 MATHEW PAUL
KALLADAYIL HOUSE, MANJOOR P.O., KOTTAYAM.
- 3 RUBI ROBERT,
VETTIKATHADATHIL HOUSE, MANJOOR P.O., KOTTAYAM.
- 4 MANJOOR INDUSTRIAL MILK CO-OPERATIVE SOCIETY,
MANJOOR P.O., KOTTAYAM, REPRESENTED BY ITS SECRETARY - 686
603.
- 5 THE PART TIME ADMINISTRATOR,
MANJOOR INDUSTRIAL MILK CO-OPERATIVE SOCIETY, MANJOOR P.O.,
KOTTAYAM (DAIRY FARM INSTRUCTOR, DAIRY DEVELOPMENT
DEPARTMENT, MANJOOR UNIT, MANJOOR) - 686 603.
- 6 BRIGHT THOMSON
PAPPANAM THOTTATHIL, MANJOOR SOUTH P.O., KOTTAYAM - 686 603.

SRI.P.C.SASIDHARAN-SC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 07.08.2019, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This review petition has been filed seeking that the judgment of this Court in W.P.(C)No.40933 of 2018 be reviewed, but what I notice from the averments in the petition is that what the review petitioner really wants is a clarification that the Deputy Director of Dairy Development, who is the functional Joint Registrar of Co-operative Societies, is also competent to issue the impugned orders. This request has been made in this petition because, in paragraph 36 of the judgment, I have concluded that the orders impugned therein could have been issued only by the Registrar of Co-operative Societies and not by the Deputy Director of Dairy Development. The review petitioner says that as per SRO.No.22/96, the powers of a Registrar of Co-operative Societies had been vested with the Deputy Director of Dairy Development also.

2. Even though I hear the learned Senior Government Pleader on the afore lines, I do not deem it necessary to recall my judgment or to review it because, my observation in paragraph 36 was only in continuation of the reasons that guided me to the conclusion that the impugned orders are

untenable, one of such reasons being that the Deputy Director do not have the power to act as a Registrar. Even assuming that the Deputy Director had such powers, my view would not change, because there are various other for this Court having held that the impugned orders were vitiated.

In the afore circumstances, without entering into the merits of any other contentions, I deem it appropriate to close this review petition; however, clarifying that my observations in paragraph 36 of the judgment with respect to the powers of the Deputy Director of Dairy Development was only one of the reasons that impelled me to the opinion; but that this will not be construed as a precedent in other cases and I therefore, leave open this issue to be agitated, if so required, in future.

This review petition is thus ordered.

Sd/-

DEVAN RAMACHANDRAN

JUDGE