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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 928 OF 2023

AGAINST THE JUDGMENT WP(C) 1673/2023 OF HIGH COURT OF KERALA

APPELLANT:

THE ADMINISTRATIVE COMMITTEE
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM- 695004 REPRESENTED BY
ITS CONVENOR, PIN - 695004

BY ADV V.M.KRISHNAKUMAR

RESPONDENTS :

- 1 GOPALAKRISHNA PILLAI,
 AGED 65 YEARS
 S/O THANKAPPAN PILLAI, KALLATHIL ARINALLOOR SOUTH
 P.O., KOLLAM,, PIN - 690538

- 2 STATE OF KERALA
 DEPARTMENT OF AGRICULTURE SECRETARIAT,
 THIRUVANANTHAPURAM- REPRESENTED BY ITS SECRETARY,
 PIN - 695001

- 3 DIRECTOR OF DAIRY DEVELOPMENT
 PATTAM PALACE P.O THIRUVANANTHAPURAM, PIN - 695004

- 4 THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, THIRUVANANTHAPURAM PATTAM PALACE P.O
THIRUVANANTHAPURAM, PIN - 695004
- 5 THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS
KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM-
REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 695004
- 6 THE RETURNING OFFICER
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM, PIN - 695004
- 7 STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
III FLOOR, CO - BANK TOWERS, PALAYAM, VIKAS BHAVAN
P.O., THIRUVANANTHAPURAM- REPRESENTED BY ITS CHIEF
ELECTION COMMISSIONER, PIN - 695033

BY ADVS.
N.ANAND
LATHA ANAND

OTHER PRESENT:

SRI.P.P.THAJUDEEN-SPL.GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023, ALONG WITH WA.982/2023, 1186/2023 AND CONNECTED
CASES, THE COURT ON 18.12.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 982 OF 2023

AGAINST THE JUDGMENT WP(C) 1673/2023 OF HIGH COURT OF KERALA

APPELLANT: -

THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS
KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM-
REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 695004

BY ADV LATHA ANAND

RESPONDENTS:

- 1 GOPALAKRISHNA PILLAI
AGED 65 YEARS
S/O THANKAPPAN PILLAI, AGED 65 YEARS, KALLATHIL
ARINALLOOR SOUTH P.O., KOLLAM, PIN - 690538
- 2 STATE OF KERALA
DEPARTMENT OF AGRICULTURE SECRETARIAT,
THIRUVANANTHAPURAM- REPRESENTED BY ITS SECRETARY,
PIN - 695001
- 3 DIRECTOR OF DAIRY DEVELOPMENT
PATTAM PALACE P.O THIRUVANANTHAPURAM, PIN - 695004

- 4 THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, THIRUVANANTHAPURAM PATTAM PALACE P.O
THIRUVANANTHAPURAM, PIN - 695004

- 5 THE RETURNING OFFICER
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM, PIN - 695004

- 6 STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
III FLOOR, CO - BANK TOWERS, PALAYAM, VIKAS BHAVAN
P.O., THIRUVANANTHAPURAM- REPRESENTED BY ITS CHIEF
ELECTION COMMISSIONER, PIN - 695033

- 7 THE ADMINISTRATIVE COMMITTEE
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D) APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM- 695004 REPRESENTED BY
ITS CONVENOR, PIN - 695004

BY ADV N.ANAND

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023, ALONG WITH WA.928/2023 AND CONNECTED CASES, THE
COURT ON 18.12.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1186 OF 2023

AGAINST THE JUDGMENT WP(C) 32912/2022 OF HIGH COURT OF
KERALA

APPELLANTS:

KALLUMMOOD KSHEEROLPADAKA CO-OPERATIVE SOCIETY
LTD-Q-197 (D) APCOS
KALLUMMOOD, MAYYANAD P.O, KOLLAM-691303,
REPRESENTED BY ITS ADMINISTRATIVE COMMITTEE
CONVENER, S. SYAM KUMAR, SON OF SANTHAKUMARAN,
AGED 42 YEARS, RESIDING AT AVANI, AKKOLIL, P.O.
KOOTTIKKADA, KOLLAM-, PIN - 691020

BY ADV P.V.BABY

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

- 2 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD. NO.T-177 (D) APCOS
REPRESENTED BY MANAGING DIRECTOR, KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM, PIN - 695005

- 3 STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
CO-BANK TOWERS, VIKAS BHAVAN POST,
THIRUVANANTHAPURAM, PIN - 695033

- 4 MANAGING COMMITTEE OF PALLIPURAM NORTH
KSHEEROLPADAKA CO-OPERATIVE SOCIETY LTD. NO. A-
171(D) APCOS
REPRESENTED BY ITS PRESIDENT, PALLIPPURAM P.O,
CHERTHALA, ALLAPUZHA, PIN - 688524

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023 18.12.2023, ALONG WITH WA.928/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1187 OF 2023

AGAINST THE JUDGMENT WP (C) 9793/2022 OF HIGH COURT OF KERALA

APPELLANT:

ADDL.R15. N.BHASURANGAN
AGED 70 YEARS
S/O.NARAYANAN, BHASURA, MARANALLOOR, KOOVALASSERY
P.O., THIRUVANANTHAPURAM, PIN - 695512

BY ADVS.
V.M.KRISHNAKUMAR
RENJITH THAMPAN (SR.)

RESPONDENTS:

- 1 PRESIDENT/ DELEGATE OF PATHARAM MILK PRODUCERS CO-
OPERATIVE SOCIETY
PATHARAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. Q 130 (D) (APCOS) , KAKKAKUNNU P.O, KOLLAM,
PIN - 690522

- 2 PRESIDENT/DELEGATE
K.R PURAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. A 202 (D) (APCOS), K.R PURAM P.O, ALAPPUZHA,
PIN - 688524

- 3 PRESIDENT/ DELEGATE
OTTUR MILK PRODUCERS CO-OPERATIVE SOCIETY LTD NO.
T 228 (D) (APCOS), MANAMBUR P.O,
THIRUVANANTHAPURAM, PIN - 695611
- 4 PRESIDENT/DELEGATE
VECHUCHIRA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. T 228 (D) (APCOS), VECHUCHIRA P.O,
PATHANAMTHITTA, PIN - 686511
- 5 PRESIDENT/DELEGATE
EAST KALLADA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD
NO. Q 23 (D) (APCOS) CHITTUMALA, EAST KALLADA P.O,
KOLLAM, PIN - 691502
- 6 THE STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
REPRESENTED BY ELECTION COMMISSIONER, 3RD FLOOR,
CO-BANK TOWERS, PALAYAM, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM, PIN - 695033
- 7 ELECTORAL OFFICE TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM, JOINT DIRECTOR, PLANNING
OFFICE OF THE DIRECTOR OF DAIRY DEVELOPMENT,
THIRUVANANTHAPURAM., PIN - 695004
- 8 RETURNING OFFICER TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
T 177 D APCOS, KSHEERA BHAVAN, DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM,
PIN - 695004
- 9 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION
LTD NO. T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM REPRESENTED BY MANAGING
DIRECTOR, PIN - 695004

- 10 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DAIRY
DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 11 ADDL.R6. D.MOHANAN NAIR
AGED 64 YEARS
, S/O.DAMODARAN NAIR, CHAIRMAN, ADMINISTRATIVE
COMMITTEE, VATTAVILA KSHEEROLPADAKA SAHAKARANA
SANGHAM, LTD.NO.T244 (D) APCOS, KEEZHAYIKONAM,
NELLANAD P.O., THIRUVANANTHAPURAM DISTRICT,
RESIDING AT 'ESANUKONATH VEEDU', NELLANAD P.O.,
THIRUVANANTHAPURAM DISTRICT., PIN - 695606
- 12 ADDL.R7. A.ABDUL RUBB
AGED 69 YEARS
S/O.ABDUL RAHIM, CHAIRMAN, ADMINISTRATIVE
COMMITTEE, MUKKUDIL KSHEEROLPADAKA SAHAKARANA
SANGHAM, LTD. NO.T 241 (D) APCOS, CHULLALAM,
KOONANVENGA P.O THIRUVANANTHAPURAM DISTRICT,
RESIDING AT 'MARSHAL HOUSE', KALUNKIL MUK,
PULLAMPARA P.O., THIRUVANANTHAPURAM DISTRICT., PIN
- 695607
- 13 ADDL.R8. VATTAVILA VIJAYAN
PRESIDENT, KIZHAKKE CHENKAL MILK PRODUCERS CO-
OPERATIVE SOCIETY LTD.NO.T293 (D) APCOS, KIZHAKKE
CHENKAL, KANNANVILA, VATTAVILA P.O.,
THIRUVANANTHAPURAM DISTRICT,, PIN - 695132
- 14 ADDL.R9. VATTAPPARA CHANDRAN
PRESIDENT, VATTAPPARA MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD., NO.T244(D) APCOS, VENGODE P.O.,
VATTAPPARA, THIRUVANANTHAPURAM DISTRICT, PIN -
695589
- 15 ADDL.R10. KRISHNAN POTTY
AGED 62 YEARS
S/O.KESAVAN POTTY, SREENILAYAM, PULLAYIL P.O,
KILIMANOOR, THIRUVANANTHAPURAM DISTRICT, PIN -
695601

- 16 ADDL.R11. AJITH SINGH
AGED 51 YEARS
S/O.WOODWIN, A.P.BHAVAN, ULLAS NAGAR, NARANI,
KUNNATHUKA P.O., THIRUVANANTHAPURM., PIN - 695504
- 17 ADDL.R12. SAJEEV P.
AGED 57 YEARS
S/O.PANKAJAKSHAN, PRESIDENT, MANNAMBUR WEST
KSHEEROLPADAKA SAHAKARANA SANGHOM REG
NO.T.196(D)APCOS, MANNAMBUR, PIN - 695611
- 18 ADDL.R13. E.S.SHAJIKUMAR
AGED 57 YEARS
S/O.EZHIKIALSANTHAM, PRESIDENT, VAVODE MILK
PRODUCERS CO-OPERATIVE T 171(D)APCOSE, VAZHICHAL
P.O., THIRUVANANTHAPURAM, PIN - 695125
- 19 ADDL.R14. T.GOPALAKRISHNA PILLAI
AGED 65 YEARS
S/O.THANKAPPAN PILLAI, KALATHIL, ARINALLOOR SOUTH
P.O., KOLLAM - ., PIN - 690538
- 20 ADDL.R16. ALA KSHEEROLPADAKA SAHAKARANA SANGAM
LTD. NO. A.190(D) APCOS
AGED 69 YEARS
ALA P.O., CHENGANNUR, REPRESENTED BY THE PRESIDENT
OF THE MANAGING COMMITTEE, SANTHAKUMARI
PILLAI,W/O.RAJASEKHARAN NAIR, RESIDING AT
KARAKATTU RAJ BHAVAN, ALA P.O., CHENGANNUR., PIN -
689126

BY ADV LATHA ANAND

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023 18.12.2023, ALONG WITH WA.928/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1189 OF 2023

AGAINST THE JUDGMENT WP (C) 9793/2022 OF HIGH COURT OF KERALA

APPELLANT:

A. ABDUL RUBB
AGED 69 YEARS
S/O. ABDUL RAHIM, CHAIRMAN, ADMINISTRATIVE
COMMITTEE, MUKKUDIL KSHEEROLPADAKA SAHAKARANA
SANGHAM, LTD.NO.T 241 (D) APCOS, CHULLALAM,
KONANVENGA.P.O. THIRUVANANTHAPURAM DISTRICT,
RESIDING AT 'MARSHAL HOUSE', KALUNKIL MUK,
PULLAMPARA.P.O., THIRUVANANTHAPURAM DISTRICT., PIN
- 695560

BY ADVS.
M.SASINDRAN
P.SHAHEED

RESPONDENTS:

- 1 THE PRESIDENT / DELEGATE,
PATHARAM MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.Q 130 (D) (APCOS), KAKKAKUNNU.P.O., KOLLAM
. , PIN - 690522

- 2 THE PRESIDENT / DELEGATE,
K.R.PURAM MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.A 202 (D) (APCOS), K.R.PURAM.P.O.,
ALAPPUZHA ., PIN - 688524
- 3 THE PRESIDENT / DELEGATE,
OTTUR MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.T.228 (D) (APCOS), MANAMBUR.P.O.,
THIRUVANANTHAPUARM., PIN - 695611
- 4 THE PRESIDENT / DELEGATE,
VECHUCHIRA MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.T 228 (D) (APCOS), VECHUCHIRA.P.O.,
PATHANAMTHITTA ., PIN - 686511
- 5 THE PRESIDENT / DELEGATE,
EAST KALLADA KSHEEROLPADAKA SAHAKARANA SANGHAM
LTD.NO.Q 23 (D) (APCOS), CHITTUMALA, EAST
KALLADA.P.O., KOLLAM., PIN - 691502
- 6 THE STATE CO-OPERATIVE ELECTION COMMISSION,
REPRESENTED BY ELECTION COMMISSIONER, 3RD FLOOR,
CO-BANK TOWERS, PALAYAM, VIKAS BHAVAN.P.O.,
THIRUVANANTHAPURAM., PIN - 695033
- 7 ELECTORAL OFFICER TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION
LTD.NO.T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM JOINT DIRECTOR, PLANNING,
OFFICE OF THE DIRECTOR OF DAIRY DEVELOPMENT,
THIRUVANANTHAPURAM., PIN - 695004
- 8 THE RETURNING OFFICER TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION
LTD.NO.T 177 D APCOS,
KSHEERA BHAVAN, DEPUTY DIRECTOR, DAIRY DEVELOPMENT
DEPARTMENT, THIRUVANANTHAPURAM., PIN - 695004

- 9 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD.NO.T 177 D APCOS, KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY MANAGING DIRECTOR., PIN - 695004
- 10 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT DAIRY DEVELOPMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
- 11 * D.MOHANAN NAIR, AGED 64 YEARS S/O. DAMODARAN NAIR, CHAIRMAN, ADMINISTRATIVE COMMITTEE, VATTAVILA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD.NO. T.244 (D) APCOS, KEEZHAYIKONAM, NELLANAD.P.O. , THIRUVANANTHAPURAM DISTRICT, RESIDING AT 'ESANUKONATH VEEDU', NELLANAD.P.O. THIRUVANANTHAPURAM DISTRICT. *DELETED, PIN - 695606
- 12 VATTAVILA VIJAYAN, PRESIDENT KIZHAKKE CHENKAL MILK PRODUCERS CO-OPERATIVE SOCIETY LTD.NO.T 293 (D) APCOS, KIZHAKKE CHENKAL, KANNANVILA, VATTAVILA.P.O., THIRUVANANTHAPURAM DISTRICT., PIN - 695132
- 13 VATTAPPARA CHANDRAN PRESIDENT, VATTAPPARA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD. NO.T244 (D) APCOS, VENGODE P.O. VATTAPPARA, THIRUVANANTHAPURAM DISTRICT,., PIN - 695589
- 14 KRISHNAN POTTY, AGED 62 YEARS S/O.KESAVAN POTTY SREENILAYAM, PULLAYIL P.O., KILIMANOOR, THIRUVANANTHAPURAM DISTRICT., PIN - 695601

- 15 AJITH SINGH,
AGED 51 YEARS
S/O.WOODWIN A.P.BHAVAN, ULLAS NAGAR NARAYANI,
KUNNATHUKA P.O., THIRUVANANTHAPURAM., PIN - 695504
- 16 SAJEEV P.,
AGED 57 YEARS
S/O.PANKAJAKSHAN, PRESIDENT MANNAMBUR WEST
KSHEEROLPADAKA SAHAKARANA SANGHOM REG.NO. T 196(D)
APCOS, MANNAMBUR., PIN - 695611
- 17 E.S.SHAJIKUMAR,
AGED 57 YEARS
S/O.EZHIKIALSANTHAM PRESIDENT VAVODE MILK
PRODUCERS CO-OPERATIVE T 171 (D) APCOSE, VAZHICHAL
P.O., THIRUVANANTHAPURM, PIN - 695125
- 18 T.GOPALAKRISHNA PILLAI, S/O.THANKAPPAN PILLAI,
AGED 65 YEARS
KALATHIL, ARINALLOOR SOUTH P.O., KOLLAM, PIN -
690538
- 19 N.BHASURANGAN,
AGED 68 YEARS
S/O.NARAYANAN, BHASURA, MARANALLOOR KOOVALASSERY
P.O., THIRUVANANTHAPURAM,., PIN - 695512
- 20 ALA KSHEEROLPADAKA SAHAKARANA SANGAM LTD. NO.A
190(D) APCOS
AGED 69 YEARS
ALA P.O., CHENGANNUR, REPRESENTED BY THE PRESIDENT
OF THE MANAGING COMMITTEE, SANTHAKUMARI PILLAI,
W/O.RAJASEKHARAN NAIR, RESIDING AT KARAKATTU RAJ
BHAVAN, ALA P.O. CHENGANNUR. * R11 IS SUO MOTU
DELETED AS PER ORDER DATED 22-6-2023 IN
W.A.NO.1189/2023., PIN - 689126

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023, ALONG WITH WA.928/2023 AND CONNECTED CASES, THE
COURT ON 18.12.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1192 OF 2023

**AGAINST THE JUDGMENT WP(C) 14211/2022 OF HIGH COURT OF
KERALA**

APPELLANT :

V.S. PADMAKUMAR
AGED 64 YEARS
S/O SREEDHARAN NAIR, ANITHA BHAVAN, EDAVAKODU,
SREEKARIYAM P.O., THIRUVANANTHAPURAM,, PIN -
695017

BY ADVS.
R.T.PRADEEP
M.BINDUDAS
P.BIJIMON

RESPONDENTS :

- 1 SECRETARY TO GOVERNMENT
DAIRY DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM,, PIN - 695001

- 2 THE STATE CO-OPERATIVE ELECTION COMMISSION
REPRESENTED BY ELECTION COMMISSIONER, 3RD FLOOR,
CO-BANK TOWERS, PALAYAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033

- 3 ELECTORAL OFFICER
THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD. NO.T 177 D APCOS, KSHEERA
BHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN - 695004
- 4 RETURNING OFFICER
THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD. NO. T 177 D APCOS, KSHEERA
BHAVAN, DEPUTY DIRECTOR, DAIRY DEVELOPMENT
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695004
- 5 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD. NO.T 177 D APCOS
KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY MANAGING DIRECTOR, PIN - 695004
- 6 SHAJIKUMAR.E.S.,
PRESIDENT, VAVODE KUCS LTD. NO.171 D APCOS,
VAVODE, VAZHICAL.P.O., THIRUVANANTHAPURAM, PIN
695125, AFFILIATION NO.176, RESIDING AT
SREESANTHAM, OPP: VAVODE MILK SOCIETY, VAVODE,
VAZHICAL.P.O., THIRUVANANTHAPURAM,, PIN - 695125
- 7 VATTAVILA VIJAYAN
AGED 69 YEARS
S/O SUKUMARAN, PRESIDENT, KIZHEKKE CHENGAL
KSHEEROLPADAKA SAHAKARANA SANGHOM T. 293 (D)
APCOS, KUNNAL VILLA, VATTAVILA P.O.,
THIRUVANANTHAPURAM 695132, RESIDING AT:
KRISHNAVILASOM, VATTAVILA P.O.,
THIRUVANANTHAPURAM, PIN - 695132

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023, ALONG WITH WA.928/2023 AND CONNECTED CASES, THE
COURT ON 18.12.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
&
THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR
MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA,
1945
WA NO. 1198 OF 2023
AGAINST THE JUDGMENT WP(C) 15557/2022 OF HIGH COURT OF
KERALA

APPELLANT :

BINA P.V
AGED 54 YEARS
PRESIDENT, KOTTA KSHEEROLPADAKA SAHAKARNA SANGHOM
PT 4(D) APCOS KOTTA P.O., PATHANAMTHITTA,, PIN -
689504

BY ADV P.C.SASIDHARAN

RESPONDENTS :

1 INDIRA S
AGED 62 YEARS
PRESIDENT, PRIYADARSHINI NAGAR KSHEEROLPADAKA
SAHAKARNA SANGHOM PT 141 (D), APCOS, PUTHANAMPALAM
P.O., KADAMPANAD, KOLLAM, PIN, PIN - 690540

- 2 STATE OF KERALA
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
PIN - 695001
- 3 DIRECTOR OF DAIRY DEVELOPMENT
PATTOM PALACE P.O ,THIRUVANANTHAPURAM,, PIN -
695004
- 4 THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, THIRUVANANTHAPURAM PATTAM PALACE P.O
THIRUVANANTHAPURAM,, PIN - 695004
- 5 THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177
APCOS KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 695004
- 6 THE RETURNING OFFICER
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177 (D), APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM,, PIN - 695004
- 7 STATE CO-OPERATIVE ELECTION COMMISSION
(SCEC), III FLOOR, CO - BANK TOWERS, PALAYAM,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, REPRESENTED
BY ITS CHIEF ELECTION COMMISSIONER, PIN - 695033

LATHA ANAND
C.M.NAZAR, SC, STATE CO-OPERATIVE ELECTION
COMMISSION (SCEC)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023, ALONG WITH WA.928/2023 AND CONNECTED CASES, THE
COURT ON 18.12.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1201 OF 2023

AGAINST THE JUDGMENT WP(C) 15660/2022 OF HIGH COURT OF
KERALA

APPELLANT :

MUNDAPPALLY THOMAS
AGED 69 YEARS
PRESIDENT, MUNDAPPALLY KSHEEROLAPADAKA SAHAKARNA
SANGHOM PT 76(D) APCOS, PERINGANAD P.O., ADOOR,
PATHANAMTHITTA,, PIN - 691551

BY ADV P.C.SASIDHARAN

RESPONDENTS :

- 1 JACOB ABRAHAM
AGED 53 YEARS, S/O ABRAHAM, PRESIDENT, VECHOOCHIRA
MILK PRODUCERS CO-OPERATIVE SOCIETY LTD. NO. PT-
88(D) APCOS VECHOOCHIRA P.O., PATHANAMTHITTA
DISTRICT, PIN - 686511
- 2 STATE OF KERALA
DEPARTMENT OF AGRICULTURE SECRETARIAT,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
PIN - 695001

- 3 DIRECTOR OF DAIRY DEVELOPMENT
PATTOM PALACE P.O, THIRUVANANTHAPURAM,, PIN -
695004
- 4 THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT,
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY
DEVELOPMENT, COLLECTORATE, PATHANAMTHITTA,, PIN -
689645
- 5 THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS
UNION LTD. NO. T 177
APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING
DIRECTOR, PIN - 695004
- 6 THE RETURNING OFFICER
THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS UNION
LTD., NO. T 177 (D), APCOS. KSHEERA BHAVAN,
PATTOM, THIRUVANANTHAPURAM,, PIN - 695004
- 7 THE STATE CO-OPERATIVE ELECTION COMMISSION
(SCEC) III FLOOR, CO - BANK TOWERS, PALAYAM, VIKAS
BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033
REPRESENTED BY ITS CHIEF ELECTION COMMISSIONER,
PIN - 695033
- 8 THE ADMINISTRATOR
AIRAVAN KSHEEROLAPADAKA SAHAKARNA SANGHOM NO. PT
62 (D) APCOS, OMALLUR P.O., PATHANAMTHITTA,, PIN -
689647
- 9 THE ADMINISTRATOR
KUZHIKALA KSHEEROLAPADAKA SAHAKARNA SANGHOM PT 57
(D) APCOS KUZHIKALA P.O., PATHANAMTHITTA,, PIN -
689644
- 10 THE ADMINISTRATOR
MALLAPPALLI PARIYARAM KSHEEROLPADAKA SHAKARANA
SANGHOM PT 48 (D) APCOS, PARIYARAM P.O.,
PATHANAMTHITTA, PIN - 689585

- 11 THE ADMINISTRATOR
NEDUMBRAM EAST KSHEEROLAPADAKA SAHAKARNA SANGHOM
PT 100(D) APCOS KALLUNGAL P.O., THIRUVALLA,
PATHANAMTHITTA,, PIN - 689549
- 12 THE ADMINISTRATOR
NARAKATHANI KSHEEROLAPADAKA SAHAKARNA SANGHOM PT
18(D) APCOS, NARAKATHANI P.O., PATHANAMTHITTA,,
PIN - 689544
- 13 AIRAVAN KSHEEROLAPADAKA SAHAKARNA SANGHOM NO. PT
62 (D)
APCOS OMALLUR P.O., PATHANAMTHITTA, PIN -
REPRESENTED BY ITS SECRETARY, PIN - 689647
- 14 KUZHIKALA KSHEEROLAPADAKA SAHAKARNA SANGHOM PT 57
(D)
APCOS KUZHIKALA P.O., PATHANAMTHITTA, REPRESENTED
BY ITS SECRETARY, PIN - 689644
- 15 MALLAPPALLI PARIYARAM KSHEEROLPADAKA SHAKARANA
SANGHOM PT 48(D),
APCOS, PARIYARAM P.O., PATHANAMTHITTA -REPRESENTED
BY ITS SECRETARY., PIN - 689585
- 16 NEDUMBRAM EAST KSHEEROLAPADAKA SAHAKARNA SANGHOM
PT 100(D)
APCOS KALLUNGAL P.O., THIRUVALLA,
PATHANAMTHITTA,REPRESENTED BY ITS SECRETARY, PIN -
689549
- 17 NARAKATHANI KSHEEROLAPADAKA SAHAKARNA SANGHOM PT
18(D)
APCOS NARAKATHANI P.O., PATHANAMTHITTA,
REPRESENTED BY ITS SECRETARY, PIN - 689544

BY ADVS.
N.ANAND
LATHA ANAND
C.M.NAZAR, SC, STATE CO-OPERATIVE ELECTION
COMMISSION (SCEC)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.11.2023 ALONG WITH WA.928/2023 AND CONNECTED CASES, THE
COURT ON 18.12.2023, DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA, 1945

WA NO. 1204 OF 2023

AGAINST THE JUDGMENT WP(C) 9793/2022 OF HIGH COURT OF KERALA

APPELLANT:

THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION
LTD NO. T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM 695 004 REPRESENTED BY MANAGING
DIRECTOR, PIN - 695004

BY ADVS.
LATHA ANAND
S.VISHNU (ARIKKATTIL)

RESPONDENTS:

- 1 PRESIDENT/ DELEGATE OF PATHARAM MILK PRODUCERS CO-
OPERATIVE SOCIETY
PATHARAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. Q 130(D) (APCOS) , KAKKAKUNNU P.O, KOLLAM 690
522, PIN - 690522

- 2 PRESIDENT/DELEGATE
K.R PURAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. A 202 (D) (APCOS), K.R PURAM P.O, ALAPPUZHA
688 524, PIN - 688524

- 3 PRESIDENT/ DELEGATE
 OTTUR MILK PRODUCERS CO-OPERATIVE SOCIETY LTD NO.
 T 228 (D) (APCOS), MANAMBUR P.O,
 THIRUVANANTHAPURAM 695 611, PIN - 695611

- 4 PRESIDENT/DELEGATE
 VECHUCHIRA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
 NO. T 228 (D) (APCOS), VECHUCHIRA P.O,
 PATHANAMTHITTA 686 511, PIN - 686511

- 5 PRESIDENT/DELEGATE
 EAST KALLADA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD
 NO. Q 23 (D) (APCOS) CHITTUMALA, EAST KALLADA P.O,
 KOLLAM 691 502, PIN - 691502

- 6 THE STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
 REPRESENTED BY ELECTION COMMISSIONER, 3RD FLOOR,
 CO-BANK TOWERS, PALAYAM, VIKAS BHAVAN P.O,
 THIRUVANANTHAPURAM 695 033, PIN - 695033

- 7 ELECTORAL OFFICE TO THIRUVANANTHAPURAM
 REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
 T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
 THIRUVANANTHAPURAM 695 004 JOINT DIRECTOR,
 PLANNING OFFICE OF THE DIRECTOR OF DAIRY
 DEVELOPMENT, THIRUVANANTHAPURAM., PIN - 695004

- 8 RETURNING OFFICER TO THIRUVANANTHAPURAM
 REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
 T 177 D APCOS, KSHEERA BHAVAN, DEPUTY DIRECTOR,
 DAIRY DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM,
 PIN - 695004

- 9 STATE OF KERALA
 REPRESENTED BY SECRETARY TO GOVERNMENT, DAIRY
 DEVELOPMENT DEPARTMENT, SECRETARIAT,
 THIRUVANANTHAPURAM 695 001, PIN - 695001

- 10 ADDL.R6. D.MOHANAN NAIR
AGED 64 YEARS, S/O.DAMODARAN NAIR, CHAIRMAN,
ADMINISTRATIVE COMMITTEE, VATTAVILA KSHEEROLPADAKA
SAHAKARANA SANGHAM, LTD.NO.T244 (D) APCOS,
KEEZHAYIKONAM, NELLANAD P.O., 695 606,
THIRUVANANTHAPURAM DISTRICT, RESIDING AT
'ESANUKONATH VEEDU', NELLANAD P.O., 695 606,
THIRUVANANTHAPURAM DISTRICT., PIN - 695606
- 11 ADDL.R7. A.ABDUL RUBB
AGED 69 YEARS, S/O.ABDUL RAHIM, CHAIRMAN,
ADMINISTRATIVE COMMITTEE, MUKKUDIL KSHEEROLPADAKA
SAHAKARANA SANGHAM, LTD. NO.T 241 (D) APCOS,
CHULLALAM, KOONANVENGA P.O., 695 560,
THIRUVANANTHAPURAM DISTRICT, RESIDING AT 'MARSHAL
HOUSE', KALUNKIL MUK, PULLAMPARA P.O., 695 607,
THIRUVANANTHAPURAM DISTRICT. [ARE IMPEADED AS
ADDITIONAL RESPONDENTS 6 AND 7 AS PER ORDER DATED
06.06.2022 IN I.A.1/2022 IN WP(C)NO.9793/2022.],
PIN - 695607
- 12 ADDL.R8. VATTAVILA VIJAYAN
PRESIDENT, KIZHAKKE CHENKAL MILK PRODUCERS CO-
OPERATIVE SOCIETY LTD.NO.T293 (D) APCOS, KIZHAKKE
CHENKAL, KANNANVILA, VATTAVILA P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN 695 132., PIN -
695132
- 13 ADDL.R9. VATTAPPARA CHANDRAN
PRESIDENT, VATTAPPARA MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD., NO.T244(D) APCOS, VENGODE P.O.,
VATTAPPARA, THIRUVANANTHAPURAM DISTRICT, PIN 695
589. [ARE IMPEADED AS ADDITIONAL RESPONDENTS 8
AND 9 AS PER ORDER DATED 06.06.2022 IN I.A.22022
IN WP(C)9793/22.], PIN - 695589
- 14 ADDL.R10. KRISHNAN POTTY
AGED 62, S/O.KESAVAN POTTY, SREENILAYAM, PULLAYIL
P.O, KILIMANOOR, THIRUVANANTHAPURAM DISTRICT, PIN
695 601., PIN - 695601

- 15 ADDL.R11. AJITH SINGH
AGED 51, S/O.WOODWIN, A.P.BHAVAN, ULLAS NAGAR,
NARANI, KUNNATHUKA P.O., THIRUVANANTHAPURM - 695
504. [ARE IMPEADED AS ADDITIONAL RESPONDENTS 10,
11 AS PER ORDER DATED 06.06.2022 IN I.A.3/2022 IN
WP(C)9793/2022.], PIN - 695504
- 16 ADDL.R12. SAJEEV P.
S/O.PANKAJAKSHAN, AGED 57 YEARS, PRESIDENT,
MANNAMBUR WEST KSHEEROLPADAKA SAHAKARANA SANGHOM
REG NO.T.196(D)APCOS, MANNAMBUR - 695 611, PIN -
695611
- 17 ADDL.R13. E.S.SHAJIKUMAR
AGED 57 YEARS, S/O.EZHIKIALSANTHAM, PRESIDENT,
VAVODE MILK PRODUCERS CO-OPERATIVE T 171(D)APCOSE,
VAZHICHAL P.O., THIRUVANANTHAPURAM - 695 125. [ARE
IMPEADED AS ADDL.R12 AND R13 AS PER ORDER DATED
06.06.2022 IN I.A.4/2022 IN WP(C)9793/2022.], PIN
- 695125
- 18 ADDL.R14. T.GOPALAKRISHNA PILLAI
S/O.THANKAPPAN PILLAI, AGED 65 YEARS, KALATHIL,
ARINALLOOR SOUTH P.O., KOLLAM - 690 538. [IS
IMPEADED AS ADDITIONAL R14 AS PER ORDER DATED
09.06.2022 IN I.A.5/2022 IN WP(C)9793/2022.], PIN
- 690538
- 19 ADDL.R15. N.BHASURANGAN
68 YEARS, S/O.NARAYANAN, BHASURA, MARANALLOOR,
KOOVALASSERY P.O., THIRUVANANTHAPURAM, PIN - 695
512. [IS IMPEADED AS ADDITIONAL R15 AS PER ORDER
DATED 09.06.2022 IN I.A.6/2022 IN
WP(C)9793/2022.], PIN - 695512

20 ADDL.R16. ALA KSHEEROLPADAKA SAHAKARANA SANGAM LTD. NO. A.190 (D) APCOS ALA P.O., CHENGANNUR, REPRESENTED BY THE PRESIDENT OF THE MANAGING COMMITTEE, SANTHAKUMARI PILLAI, AGED 69 YEARS, W/O.RAJASEKHARAN NAIR, RESIDING AT KARAKATTU RAJ BHAVAN, ALA P.O., CHENGANNUR. [IS IMPLEADED AS ADDL.R16 AS PER ORDER DATED 27.06.2022 IN I.A.7/2022 IN WPC 9793/2022.], PIN - 689121

BY ADVS.
P.N.MOHANAN
C.M.NAZAR, SC, STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
GOVERNMENT PLEADER SRI.PP THAJUDEEN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13.11.2023 ALONG WITH WA.928/2023 AND CONNECTED CASES, THE COURT ON 18.12.2023, DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 18TH DAY OF DECEMBER 2023 / 27TH AGRAHAYANA,

1945

WA NO. 1255 OF 2023

AGAINST THE JUDGMENT WP (C) 9793/2022 OF HIGH COURT OF KERALA

APPELLANT :

STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DAIRY DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM
REPRESENTED BY SECRETARY TO GOVERNMENT, DAIRY
DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM 695 001, PIN - 695001

BY ADV GOVERNMENT PLEADER

RESPONDENTS :

- 1 PRESIDENT/ DELEGATE OF PATHARAM MILK PRODUCERS CO-
OPERATIVE SOCIETY
PATHARAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. Q 130 (D) (APCOS) , KAKKAKUNNU P.O, KOLLAM 690
522, PIN - 690522

- 2 PRESIDENT/DELEGATE
K.R PURAM MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. A 202 (D) (APCOS), K.R PURAM P.O, ALAPPUZHA
688 524, PIN - 688524

- 3 PRESIDENT/ DELEGATE
OTTUR MILK PRODUCERS CO-OPERATIVE SOCIETY LTD NO.
T 228 (D) (APCOS), MANAMBUR P.O,
THIRUVANANTHAPURAM 695 611, PIN - 695611

- 4 PRESIDENT/DELEGATE
VECHUCHIRA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD
NO. PT 88 (D) (APCOS), VECHUCHIRA P.O,
PATHANAMTHITTA 686 511, PIN - 686511

- 5 PRESIDENT/DELEGATE
EAST KALLADA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD
NO. Q 23 (D) (APCOS) CHITTUMALA, EAST KALLADA P.O,
KOLLAM 691 502, PIN - 691502

- 6 THE STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
REPRESENTED BY ELECTION COMMISSIONER, 3RD FLOOR,
CO-BANK TOWERS, PALAYAM, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM 695 033, PIN - 695033

- 7 ELECTORAL OFFICE TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM 695 004 JOINT DIRECTOR,
PLANNING OFFICE OF THE DIRECTOR OF DAIRY
DEVELOPMENT, THIRUVANANTHAPURAM., PIN - 695004

- 8 RETURNING OFFICER TO THIRUVANANTHAPURAM
REGIONAL CO-OPERATIVE MILK PRODUCERS UNION LTD NO.
T 177 D APCOS, KSHEERA BHAVAN, DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM,
PIN - 695004

- 9 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION
LTD NO. T 177 D APCOS, KSHEERA BHAVAN, PATTOM,
THIRUVANANTHAPURAM 695 004 REPRESENTED BY MANAGING
DIRECTOR, PIN - 695004

- 10 ADDL.R6. D.MOHANAN NAIR
AGED 64 YEARS, S/O.DAMODARAN NAIR, CHAIRMAN,
ADMINISTRATIVE COMMITTEE, VATTAVILA KSHEEROLPADAKA
SAHAKARANA SANGHAM, LTD.NO.T244 (D) APCOS,
KEEZHAYIKONAM, NELLANAD P.O., 695 606,
THIRUVANANTHAPURAM DISTRICT, RESIDING AT
'ESANUKONATH VEEDU', NELLANAD P.O., 695 606,
THIRUVANANTHAPURAM DISTRICT., PIN - 695606
- 11 ADDL.R7. A.ABDUL RUBB
AGED 69 YEARS, S/O.ABDUL RAHIM, CHAIRMAN,
ADMINISTRATIVE COMMITTEE, MUKKUDIL KSHEEROLPADAKA
SAHAKARANA SANGHAM, LTD. NO.T 241 (D) APCOS,
CHULLALAM, KOONANVENGA P.O., 695 560,
THIRUVANANTHAPURAM DISTRICT, RESIDING AT 'MARSHAL
HOUSE', KALUNKIL MUK, PULLAMPARA P.O., 695 607,
THIRUVANANTHAPURAM DISTRICT. [ARE IMPEADED AS
ADDITIONAL RESPONDENTS 6 AND 7 AS PER ORDER DATED
06.06.2022 IN I.A.1/2022 IN WP(C)NO.9793/2022.],
PIN - 695607
- 12 ADDL.R8. VATTAVILA VIJAYAN
PRESIDENT, KIZHAKKE CHENKAL MILK PRODUCERS CO-
OPERATIVE SOCIETY LTD.NO.T293 (D) APCOS, KIZHAKKE
CHENKAL, KANNANVILA, VATTAVILA P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN 695 132., PIN -
695132
- 13 ADDL.R9. VATTAPPARA CHANDRAN
PRESIDENT, VATTAPPARA MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD., NO.T244(D) APCOS, VENGODE P.O.,
VATTAPPARA, THIRUVANANTHAPURAM DISTRICT, PIN 695
589. [ARE IMPEADED AS ADDITIONAL RESPONDENTS 8
AND 9 AS PER ORDER DATED 06.06.2022 IN I.A.22022
IN WP(C)9793/22.], PIN - 695589
- 14 ADDL.R10. KRISHNAN POTTY
AGED 62, S/O.KESAVAN POTTY, SREENILAYAM, PULLAYIL
P.O, KILIMANOOR, THIRUVANANTHAPURAM DISTRICT, PIN
695 601., PIN - 695601

- 15 ADDL.R11. AJITH SINGH
AGED 51, S/O.WOODWIN, A.P.BHAVAN, ULLAS NAGAR,
NARANI, KUNNATHUKA P.O., THIRUVANANTHAPURM - 695
504. [ARE IMPEADED AS ADDITIONAL RESPONDENTS 10,
11 AS PER ORDER DATED 06.06.2022 IN I.A.3/2022 IN
WP(C)9793/2022.], PIN - 695504
- 16 ADDL.R12. SAJEEV P.
S/O.PANKAJAKSHAN, AGED 57 YEARS, PRESIDENT,
MANNAMBUR WEST KSHEEROLPADAKA SAHAKARANA SANGHOM
REG NO.T.196(D)APCOS, MANNAMBUR - 695 611, PIN -
695611
- 17 ADDL.R13. E.S.SHAJIKUMAR
AGED 57 YEARS
S/O.EZHIKIALSANTHAM, PRESIDENT, VAVODE MILK
PRODUCERS CO-OPERATIVE T 171(D)APCOS, VAZHICHAL
P.O., THIRUVANANTHAPURAM - 695 125. [ARE IMPEADED
AS ADDL.R12 AND R13 AS PER ORDER DATED 06.06.2022
IN I.A.4/2022 IN WP(C)9793/2022.], PIN - 695125
- 18 ADDL.R14. T.GOPALAKRISHNA PILLAI
S/O.THANKAPPAN PILLAI, AGED 65 YEARS, KALATHIL,
ARINALLOOR SOUTH P.O., KOLLAM - 690 538. [IS
IMPEADED AS ADDITIONAL R14 AS PER ORDER DATED
09.06.2022 IN I.A.5/2022 IN WP(C)9793/2022.], PIN
- 690538
- 19 ADDL.R15. N.BHASURANGAN
AGED 68 YEARS
68 YEARS, S/O.NARAYANAN, BHASURA, MARANALLOOR,
KOOVALASSERY P.O., THIRUVANANTHAPURAM, PIN - 695
512. [IS IMPEADED AS ADDITIONAL R15 AS PER ORDER
DATED 09.06.2022 IN I.A.6/2022 IN
WP(C)9793/2022.], PIN - 695512

20 ADDL.R16. ALA KSHEEROLPADAKA SAHAKARANA SANGAM LTD. NO. A.190 (D) APCOS ALA P.O., CHENGANNUR, REPRESENTED BY THE PRESIDENT OF THE MANAGING COMMITTEE, SANTHAKUMARI PILLAI, AGED 69 YEARS, W/O.RAJASEKHARAN NAIR, RESIDING AT KARAKATTU RAJ BHAVAN, ALA P.O., CHENGANNUR. [IS IMPLEADED AS ADDL.R16 AS PER ORDER DATED 27.06.2022 IN I.A.7/2022 IN WPC 9793/2022.], PIN - 689126

BY ADVS.
P.N.MOHANAN
C.M.NAZAR, SC, STATE CO-OPERATIVE ELECTION COMMISSION (SCEC)
LATHA ANAND
M.SASINDRAN
T.R.HARIKUMAR
R.T.PRADEEP
N.ANAND
V.S.CHANDRASEKHARAN
V.M.KRISHNAKUMAR
D.SOMASUNDARAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13.11.2023 ALONG WITH WA.928/2023 AND CONNECTED CASES, THE COURT ON 18.12.2023, DELIVERED THE FOLLOWING:

“CR”

ANU SIVARAMAN, J. & C.PRATHEEP KUMAR, J.

**= = = = =
W.A.Nos.928, 982, 1186, 1187, 1189, 1192,
1198, 1201, 1204 and 1255 of 2023**

**= = = = =
Dated this the 18th day of December, 2023**

JUDGMENT

Anu Sivaraman J.

1. These appeals arise from a common judgment dated 15.6.2023 of a learned single Judge in a batch of 10 writ petitions arising in connection with the election to the Managing Committee of the Thiruvananthapuram Regional Milk Producers Union, which is a central society registered under the Kerala Co-operative Societies Act and Rules. An earlier common judgment allowing W.P.(C).Nos.1673 & 1679 of 2023 dated 10.04.2023 is also under challenge.

2. The election to the Managing Committee of the Thiruvananthapuram Regional Milk Producers Union, a Central society, was notified to be held on 09.04.2022. The preliminary voters' list was published on 05.03.2022. Objections were to be submitted on or before 11.03.2022 and to be considered on 14.03.2022. It is contended that out of the 978 societies included in the preliminary voters' list, 58 societies were under the administration of an administrator/administrative committee and 23 member societies were admitted/affiliated by the Administrator/Administrative Committee. The petitioners contended that the 58 member societies which were under the administration of an Administrator/Administrative Committee were ineligible to send their members to participate in the election. It was further contended that 23 member societies, who were included as members by the Administrator/Administrative Committee were also not entitled to vote. The contention was on the basis of Section 28(8) of the Kerala Co-operative Societies Act, which reads as follows:-

“(8) Notwithstanding anything contained in this Act or the rules made there under or the bye-laws of a Regional Co-operative Milk Producers’ Union or in any other law, judgement or Decree or Orders of any court or Tribunal, for the time being in force, the delegate of the member Anand Pattern Milk Cooperative Society to attend the general body meetings and to contest the elections to the managing committee of the Regional Co-operative Milk Producers’ Union shall be the President of member Anand Pattern Milk Co-operative Societies only.”

3. Reliance was also placed on the decision of the Apex Court in **Joint Registrar of Co-operative Societies v. T.A. Kuttappan** [2000 (2) KLT 480 (SC)] to contend that member societies admitted while the administrative committee was in power are not eligible to vote. The final voters’ list was published on 16.03.2022 including 58 member societies under the Administrator/Administrative Committees. 11 APCOS, which were found to have “deemed affiliation” under Section 8A(4) of the Kerala Co-operative Societies Act were found entitled to be included while 12 of the APCOS which were given affiliation by the administrative committee within 60 days from the date of election were deleted from the list. The

final list contained 966 voters. This voters' list was under challenge in the writ petitions.

4. On 23.03.2022, an interim order was passed directing that the votes cast by delegates of societies under the control of the administrators shall be kept in a separate box and counted separately. The declaration of result was also permitted. The matter was taken in appeal and by order dated 08.04.2022 in W.A.No.413/2022, stayed the declaration of results and directed that the results would be declared only after obtaining orders from this Court. The writ appeal was later disposed of by judgment dated 02.06.2022 requiring the parties to move for an early hearing of the writ petition. Thereafter, the pending writ petitions were heard on merits and the common judgment dated 15.6.2023 was rendered which is under challenge herein.

5. In the meanwhile, W.P.(C).Nos.1673 of 2023 and 1679 of 2023 were filed by candidates who had contested the elections and

by judgment dated 10.4.2023, the returning officer was directed to declare the petitioner in W.P.(C).No.1673 of 2023 elected to the Managing Committee of the Union. The said common judgment is also under challenge.

6.The learned single Judge had framed four issues to be decided at paragraph 30 of the judgment as follows:-

“(A). Can the election process be challenged in a writ petition?

(B) Does Section 28(8) of the Act take away the “right to vote” of the societies managed by Administrators/ Administrative Committees ?

(C) Do sections 20,21 and Rule 44A affect the manner in which Section 28(8) is to be interpreted?

(D) Do sub-sections (1), (2) and (3) of Section 8A any longer apply to APCOS, in view of the introduction of sub-section (4) of Section 8A?”

7.With regard to the 1st issue, the learned single Judge had answered that since the writ petition was entertained and interim directions were issued even before the conduct of the elections which were not interfered with in appeal, the contention that the alternate remedy of filing of an election petition is to be resorted to cannot be accepted.

8. In answer to question B and C, it was held that the *non obstante* clause in sub-section (8) of Section 28 does not, in any manner, conflict with the operative portion of the sub-section. It was held that, where the statute uses a *non obstante* clause clearly intending an overriding effect to the provision, the court cannot, by an interpretative process, take away the effect of the *non obstante* clause and make the provision subject to the other provisions of the enactment. It was further held that where a conflict is clearly intended, a harmonious construction cannot be adopted to do away with the conflict. On the said findings, it was held that the provisions of Sections 20, 21(2) and Rule 44A cannot amount to a deviation from the *non obstante* clause contained in Rule 28(8). It was held that the persons nominated by the Administrator/Administrative Committee are not otherwise qualified even under the provisions of the parent Act to vote in the elections and therefore, their eligibility to vote is specifically as provided in Section 28(8).

9. With regard to the right of member societies admitted by the Administrator, it was held that all the APCOS which satisfy the two conditions laid down in Section 8A(4) will be entitled to be a member and the APCOS which do not satisfy the twin requirements of Section 8A(4) before a period of 60 days prior to the date of election shall not have a right to vote. It was held that the fact that the Administrator/ Administrative Committee was in office during the period provided in Section 8A(4) would be of no consequence and that the inclusion of the 11 APCOS who satisfy the conditions provided in Section 8A(4) before 60 days from the date of election were entitled and eligible for vote.

10. The appeals are principally directed against the finding/ answer to the issues framed at (B) and (C) by the learned single Judge.

11. The learned counsel appearing on either side have placed extensive arguments and decisions on record. With regard to the answer to issues (A) and (D) arrived at by the learned

Single Judge, no serious disputes were raised. In the circumstances, we are also not inclined to interfere with the said findings of the learned Single Judge. The question that arises is only with regard to the findings of the learned Single Judge at issues (B) and (C), that is, with regard to the interpretation of sub-section (8) of Section 28.

12.We have heard the learned Senior Counsel Sri.Renjith Thampan, Adv.Sri.P.C.Sasidharan, Adv.Sri.M.Sasindran, Adv.Sri.N.Anand, Adv.Sri.P.N.Mohanan, Adv.Sri.R.T.Pradeep, Sri.P.P.Thajudeen, learned Special Government Pleader, Sri.Vishnu S (Arikkattil), the learned counsel representing the learned standing counsel appearing for the Thiruvananthapuram Regional Milk Producers Union and Sri.C.M.Nazar, the learned standing counsel appearing for the State Co-operative Election Commission.

13.For a proper consideration of the issues we quote the relevant provisions of the statute.

2(k) "**general body meeting**" means a meeting of the members who are entitled to vote in the affairs of the society.

2(ac) "**Anand Pattern Milk Co-operative Society**" means a Primary Dairy Co-operative Society, otherwise known as 'Ksheerolpadaka Sahakarana Sangam, registered on or after 1st day of January 1980, and functioning as per the model bye-laws of Anand Pattern, with the principal objectives of procurement and marketing of milk and milk products and pouring marketable surplus of milk to the Regional Co-operative Milk Producers' Union and for providing inputs to the Dairy farmers, within the area of operation of the society.

8.Registration certificate:- (1)Where a cooperative society is registered under this Act, the Registrar shall issue a certificate of registration signed and sealed by him, which shall be conclusive evidence that the said society is duly registered under this Act.

[(2)Notwithstanding anything contained in sub-section (1), where the Registrar is satisfied that the original registration certificate is irrecoverably lost and a duplicate certificate could not be issued as the files or records regarding the registration of the Co-operative Society was lost, after registration, the Registrar shall issue a certificate stating the registration number and date of registration of a Co-operative Society, on the basis of the details available in the audit certificate and the records available with the Registrar, signed and sealed by him, which shall be conclusive proof that the said society is duly registered and it shall be treated as a certificate of registration.]

8A(4) Notwithstanding anything contained in this Act or rules made thereunder or bye-laws of a Regional Co-operative Milk Producers' Union, the Anand Pattern Milk Co-operative Societies having a regular elected Managing Committee and doing the business of milk procurement and sales within the area of operation of the Regional Co-operative Milk Producers' Union shall be admitted as members of the Regional Co-operative Milk Producers' Union.

20. Vote of members - Notwithstanding anything contained in any other provision of this Act or any other law, every member of a society shall have one vote in the affairs of the society:

Provided that-

- (a) a member admitted within sixty days immediately prior to the date of election shall not have the right to vote;
- (b) a nominal or associate member shall not have the right to vote
- (c) where the Government is a member of a society, each person nominated by the Government on the committee of the society shall have one vote each including the right to vote for election of office bearers of the society
- (d) an ex-officio member of the committee of a society shall have one vote but shall not have right to vote for election of office bearers of the society
- (e) in the case of an equality of votes, the Chairman shall have and exercise a second or casting vote.

21. Manner of exercising vote – (1) Every member of a society shall exercise his vote in person.

(2) Notwithstanding anything contained in sub-section (1), a society or corporation or a statutory or non-statutory Board, Committee or other body of persons which is a member of another society may, subject to any rules made under this Act, appoint one of its members to vote on its behalf in the affairs of that other society.

28. Appointment of committee – (1) The general body of a society shall constitute a committee, for a period of five years, in accordance with the bye-laws and entrust the management of the affairs of the society to such committee

[Explanation: Notwithstanding anything contained in the byelaws, for the purpose of calculating the term of committee, five years from the date of election will be taken to be the term of the committee.]

Provided that in the case of a society registered after the commencement of this Act, the persons who have signed the application to register the society may appoint a committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider necessary; but the committee appointed under this proviso shall cease to function as soon as a committee has been constituted in accordance with the bye-laws:

[Provided further that where the bye-laws so provide, the Government or the Registrar may nominate all or any of the members of the first committee, including the president or chairman, for a period not exceeding twelve months.

[Provided also that the election to the committees of the societies shall not be conducted on ward basis irrespective of any provisions to the contrary contained in the bye-laws of any society.]

28(1K) Notwithstanding anything contained in this Act or Rules made thereunder or bye-laws, in a Regional Milk Producers Union having jurisdiction over more than one revenue district, the members of the committee representing each revenue district shall be elected by the member societies of that particular revenue district itself from among themselves.

28(6) Notwithstanding anything contained in this Act or rules made thereunder or by-laws of a Regional Co-operative Milk Producers' Union, or in any other laws, Judgment or Decree or orders of any Court or Tribunal for the time being in force, no President of an Anand Pattern Milk Co-operative Society which is a member of a Regional Co-operative Milk Producers' Union, shall be eligible to hold office as a member of the Committee of the Regional Co-operative Milk Producers' Union for more than three terms or fifteen years whichever is higher:

*Provided that the provisions of this sub-section shall not apply to members of the committee of the Regional Co-operative Milk Producers' Union holding office as such on the date of commencement of the Kerala Co-operative Societies (Amendment) Act, 2021 till the completion of their original term of five years:

Provided further that the provisions in the above proviso shall not apply to the members of the committee whose tenure was extended beyond their original term of five years.

28(7) Notwithstanding anything contained in this Act or the rules made thereunder or the bye-laws of a Regional Co-operative Milk Producers'

Union or in any other law, judgement or Decree or Orders of any court or Tribunal, for the time being in force, the President of an Anand Pattern Milk Co-operative Society, which is a member of the Regional Co-operative Milk Producers' Union shall be eligible to contest the elections to the committee of the Regional Co-operative Milk Producers' Union and hold office as a member of the committee of the Regional Co-op. Milk Producers' Union, only if the Anand Pattern Milk Co-operative Society to which he/she belongs, satisfies the following conditions, namely:-

(a) the society is placed in audit classification A or B, as prescribed, during the last audit conducted;

(b) supply milk procured and pooled by the member society for the Regional Co-operative Milk Producers' Union subject to a minimum quantity as fixed by the committee of the Regional Co-operative Milk Producers' Union:

Provided that the provisions of this sub-section shall not apply to those member societies for a period of two years which are revived after long duration of inactivity and those Primary Dairy Cooperative Societies whose bye-laws were amended to Anand Pattern, either from the date of restart of the society or from the date of registration of amendment of byelaws to Anand Pattern model bye-laws.

28(8) Notwithstanding anything contained in this Act or the rules made there under or the bye-laws of a Regional Co-operative Milk Producers' Union or in any other law, judgement or Decree or Orders of any court or Tribunal, for the time being in force, the delegate of the member Anand Pattern Milk Cooperative Society to attend the general body meetings and to contest the elections to the managing committee of the Regional Co-operative Milk Producers' Union shall be the President of member Anand Pattern Milk Co-operative Societies only.

29. Annual general body meeting.-(1) A general body meeting of a society shall be held within a period of six months of the close of the financial year for the purpose of-

(a) approval of the budget with reference to the programme of the activities of the society prepared by the committee for the ensuing year;

(b) election, if any, in the prescribed manner of the members of the committee other than nominated members;

(c) consideration of the audit report and the report and follow up action of the committee thereon and the annual report;

(ca) review of operational deficit/loss, if any, and programme to reduce such deficit or loss;

(cb) approval of the programme of activities of the society prepared by the committee for the ensuing year;

(cc) review of annual report and accounts of any subsidiary organization, if any;

(cd) amendment of bye-laws;

(ce) declaration regarding date of holding of its general body meeting and conduct of elections when due ; and

(cf) any other information required by the Registrar in pursuance of the provisions of the Act;

(d) disposal of the net profit, and

(e) consideration of any other matter which may be brought forward in accordance with the bye-laws.

(2) The Registrar or any other person deputed by him shall have the right to attend the committee or general body meeting of any society.

(3) Where the board of a Co-operative Society fails to convene the annual general meeting within the period specified in sub-section (1), the Registrar or the person authorized by him in this behalf shall be competent to convene such annual general meeting within a period of ninety days from the date of expiry of the period mentioned in sub-section (1) and the expenditure incurred on such meeting shall be borne by the Co-operative Society.

(4) Members of the Board who, in the opinion of the Registrar, were responsible for not convening the annual general meeting within the stipulated period shall be disqualified for one term for being elected as committee members and to continue as members of a society in addition to being liable for any other provisions under this Act:

Provided that the Registrar shall, before passing order under this sub-section, afford a reasonable opportunity of being heard to each such person , who in his opinion were responsible for not convening the annual general meeting within the specified period.

(5) A notice of the general meeting stating the place, date and hour of the meeting together with the agenda shall be given to every member, as may be prescribed.

Rule 44A. **Delegate of Societies in the committee to another society to be members of the committee:-** The person appointed to

represent a society in any other society and vote shall be a member of the committee of the society which he represents:

Provided that if the affairs of the society are managed by Administrator/Administrators/Administrative Committee appointed [under S.28 or S.32 or S.33] of the Act, the person or persons so appointed shall have power to nominate any member of the society to be its delegate in the other society and such delegate shall be eligible [to vote and] to be elected as a member of the committee of the other society in which he sits as a delegate if he is otherwise qualified to be a delegate under the relevant rules."

14.The learned Senior Counsel Sri.Ranjith Thampan submits that the prohibition under Section 28(8) is clearly only for attending the General Body meeting and for contesting the election to the Managing Committee of the Regional Co-operative Union and not for participating in the election process. It is contended that a reading of Section 28(1K) would make it abundantly clear that unlike a normal election procedure where election is conducted in a properly constituted general body, no general body meeting is contemplated for conducting the election to the Regional Co-operative Union. This aspect is clear from a reading of Rule 35A(1A) and Rule 35A(4A) which specifically provide as follows:-

“35A. Procedure regarding conduct of election to the committee of Societies by the State Co-operative Election Commission.- The election of the members to the committee of Societies by the State Co-operative Election Commission shall be conducted in the following manner.

(1A) The committee of a Regional Milk Producers Union having jurisdiction over more than one district shall meet at least 60 days prior to the date of expiry of its term and pass a resolution fixing the date, time and place for the conduct of election to the new committee. The place for the conduct of election shall be fixed in such a way that, the members of a particular revenue district will get an opportunity to cast their votes (if required) in a convenient place of that particular revenue district itself. A copy of such resolution shall be sent to the State Co-operative Election Commission through the Registrar of Dairy Co-operative within a week by registered post.

(4A) In the case of a Regional Milk Producers Union, separate list of members qualified to vote the election shall be prepared for each revenue district within the jurisdiction of the said union, duly approved by the committee. ”

The proviso to Rule 44A also makes no mention about any general body meeting, where the election is to Regional Co-operative Union.

15. Relying on the decisions of the Apex Court in **Chief Justice of Andhra Pradesh and others v. L.V.A. Dixitulu and others** [(1979) 2 SCC 34], **Managing Director, Chhattisgarh State Co-operative bank Maryadit v. Zila Sahkari Kendriya Bank Maryadit and others** [(2020) 6 SCC 411], **Geeta v. State of Uttar Pradesh and others** [(2010) 13 SCC 678] and **Atam Prakash v. State of Haryana and others** [(1986) 2 SCC 249], it is contended that a proper literal reading of the Rule itself could only lead to the solitary interpretation that it is the contesting of the elections and the participation in the meetings of the general body which is contemplated by Section 28(8) and not the participation or the voting in the elections, which is not conducted in a general body. It is contended that even if there is any ambiguity, a harmonious construction of the provisions of the statute and a holistic reading of the statute as a whole in the context of the avowed principles of democratic administration of Co-operative societies, the only conclusion that can be arrived at is that all member societies should be permitted to have a vote and thus a say in the affairs of the said societies. Relying on

the provisions of Section 8A(2) and 8A(4) of the Co-operative Societies Act, it is contended that there is absolutely no discretion available and the admission of a member society which meets the requirements of Section 8A(4) is automatic.

16. Adv. M. Sasindran appearing for the appellant in W.A. No. 1189/2023 contends that the learned Single Judge evidently went wrong in answering the issues raised at (B) and (C) because the specific provisions of Section 28(1K) which provided that no general body is required for the conduct of the election to Regional Co-operative Union was omitted to be noticed. It is further contended that applying the theory of impossibility, only societies which have elected committees would have Presidents and therefore, Section 28(8) can have application only to such societies which have elected committees in office and not to societies governed by Administrators. With regard to the construction of non obstante clause, the decision in **Sanjay Ramdas Patil v. Sanjay and others** [2021 KHC 6414] is relied on, which reads as follows:

“31. It could thus be seen that it is more than well settled that it is the duty of the Court to construe the Statute as a whole and that one provision of the Act has to be construed with reference to other provisions so as to make a consistent enactment of the whole Statute. It is the duty of the Court to avoid a head - on clash between two sections and construe the provisions which appear to be in conflict with each other in such a manner so as to harmonise them. It is further equally settled that while interpreting a particular statutory provision, it should not result into making the other provision a “useless lumber” or a “dead letter”. While construing the provisions, the Court will have to ascertain the intention of the law - making authority in the backdrop of dominant purpose and the underlying intendment of the Statute. “

The decision of the Apex Court in **Ardhendu Kumar Das v. State of Odhisha and others** [2022 KHC 6615] is also relied on. Paragraph 40 of the judgment reads as follows:-

“It is a settled principle of law that all the provisions in the Statute have to be read harmoniously. It is presumed that each and every provision has been brought by the legislature into the Statute book with some purpose. A particular provision cannot be read in isolation and has to be read in context to each other. An attempt has to be made to reconcile all the provisions of the Statute together, unless it is impossible. “

17.Adv.P.C.Sasidharan, who appears for the appellants in W.A. Nos.1198 and 1201 of 2023 also supported the contentions of the learned Senior Counsel, as also the contention that Section 28(8) applies only in a case where there is an elected committee in power, which is the only situation where a President would be available to be the delegate in the Regional Co-operative Union. Contentions are raised that there was no separate box provided in the election held in Pathanamthitta District and that the judgment is, therefore, unworkable. It is contended that W.P.(C).Nos.1673 of 2023 and 1679 of 2023 were filed only filed on 16.01.2023, that is after the date of the elections and that no interim order governed the conduct of such elections.

18.The learned counsel appearing for the Regional Co-operative Union would bring to our notice that Section 28(1K) was inserted by amendment in the Act with effect from 5.10.2018. Sections 28(6) to 28(8) were inserted by amendment with effect from 12.2.2021. The legislature was, therefore, fully

aware of the legal position that there was no general body required for conduct of elections to the RCU. In the above factual situation, it is urged that the deliberate omission of any restriction with regard to casting of votes in the election in Section 28(8) becomes all the more relevant. It is contended that in such circumstances, all that was required was a plain literary reading of Section 28(8) without imputing anything further to the words contained in the statute which can lead only to the inescapable conclusion that was contemplated was only a restriction to participating in general body meetings of the RCU, their policy decisions were to be taken and contesting the elections to the Managing Committee of the RCU. It is contended that if the legislature intended that delegates sent by committees governed by Administrators would not be entitled to vote in the election, there would be no difficulty in including such a specific restriction in the Act or the Rules which has deliberately not been done.

19.The learned Special Government Pleader for Co-operation appearing for the State adopted the arguments of the learned Senior Counsel and argued that voting rights of member societies cannot be restricted only because there is no elected President. It was further contended that even in case the petitioners in the writ petition had any challenge to the inclusion of the societies in the final voters' list, now that the election had already been conducted, the only option available to them is to move an election petition.

20.Adv.R.T.Pradeep, the learned counsel appearing for the appellant in W.A. No.1192/2023 contended that even in case of provision starting with a *non obstante* clause, the provisions of the statute have to be construed harmoniously. The right of the society to participate in the administration of the union is paramount and is a part of the democratic principles governing the co-operative movement. Section 28(8) does not take away the right to vote which is conferred on every primary society and it can only provide who shall be the

human agency to exercise the vote. It is further contended that there can be no implied repeal of the general law as available in Sections 20, 21 and Rule 44A by a *non obstante* clause in Section 28(8). The decision reported in **R.S. Raghunath v. State of Karnataka and another** [(1992) 1 SCC 335], **PASL Wind Solutions Private Limited v. GE Power Conversion India Private Limited** [(2021) 7 SCC 1] are relied on.

21. In reply, Adv.P.N.Mohanan, the learned counsel appearing for the party respondents/writ petitioners contended that where special provisions are enacted in respect of specified categories of societies, those special provision would prevail over the general provisions of the Act. Reliance is also placed on Section 29 of the Act, which provides for a general body for the conduct of elections to co-operative societies. It is contended that the proviso contained in Rule 44A of the KCS Rules, cannot be imported to other provisions of the Act which do not contain such a proviso. It is contended that Rule 44A

does not apply to milk societies and that milk societies do not send delegates to the RCUs under Rule 44A, but only under Section 28(8). It is contended that the proviso to the Rule cannot govern milk societies. The judgments of the Apex Court in **Dwarka Prasad v. Dwarka Das Saraf** [AIR 1975 SC 1758], **Haryana State Co-operative Land Development Bank Ltd. v. Haryana State Co-operative Land Development Banks Employees Union and another** [(2004) 1 SCC 574], **Viswanathan v. The Assistant Registrar** [2001 (3) KLT 215] are relied on to contend that a proviso is applicable only to the specific substantial provision and cannot be imported to any other. The decision of the Apex Court in **Jt. Registrar of Co-operative Societies v. T.A. Kuttappan** [2000 (2) KLT 480 (SC)] and the decision in **Ahammedkutty v. Ali** [2003 (3) KLT 739] are also relied on for, the latter to contend that the right to vote is a statutory right and can be exercised only in accordance with the manner provided by the statute. The decision in **Abdurahiman. P. and others v. State of Kerala and others** [ILR 2020 (1) Ker. 176], **Ismail P.M. v. Muhammad Ameer-Ul-Islam and another**

[ILR 2022 (2) Ker. 666], **Sri Ram Saha v. State of W.B. and others** [(2004) 11 SCC 497] are also relied on. It is contended that votes were, as a matter of fact, cast in separate ballot boxes as directed by the learned Single Judge and affirmed by the Division Bench. The authorities cited by the petitioner have been extensively discussed by the learned single Judge.

22.Adv.N.Anand appearing for the party respondents in some of these appeals supported the arguments of Sri.P.N.Mohanan and relied on the decisions in **Pundlik v. State of Maharashtra and others** [(2005) 7 SCC 181], **Kotak Mahindra Bank Limited v. Girnar Corrugators Private Limited and others** [(2023) 3 SCC 210], **Vishwanath Pratap Singh v. Election Commission of India and another** [2022 Live Law (SC) 758] etc. it is submitted that not only does Section 28(8) start with the *non obstante* clause but it specifically states that only Presidents of member societies are eligible to participate in the general body and to contest the elections. It is submitted that all other provisions cease to

apply because of the clear language of the statute. It is contended that treating societies administered by Administrators and societies which have duly elected committees in office would be tantamount to treating unequals equally and would result in miscarriage of justice.

23.The Constitution (97th Amendment) Act, 2011 made the formation of Co-operative Societies a fundamental right by including it in Article 19(1)(c). A new Directive Principle of State Policy was also included in Part IV of the Constitution as Article 43(b). The Article provided that the State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of Co-operative Societies. The Kerala Cooperative Societies Act had also undergone substantial amendments by Act No.7 of 2010 w.e.f. 28.4.2010. Amended preamble reads as follows:-

24.“Whereas with a view to provide for the orderly development of the Co-operative sector in the State, it is essential to organize the Co-operative Societies in accordance with Co-operative principles as self governing democratic institutions, to achieve the objects of

equity, social justice and economic development, as envisaged in the directive principles of State Policy of the Constitution of India, and to promote scientific and technological development, health care, market intervention and management excellence in the Co-operative Sector it is expedient to consolidate, amend and unify the law relating to Co-operative societies in the State;”

25.We notice that Section 28(8) is admittedly a special provision with regard to Anand Pattern Milk Societies. It is trite that a literal interpretation of the provision is to be resorted to unless the result of such literal interpretation results in ambiguity. Maxwell on Interpretation of Statutes clearly states that the literal Rule is the Primary Rule of Interpretation of Statutes. When the language is plain and admits of but one meaning, the task of interpretation can hardly be said to arise.

26.The Apex Court in **Premanand and others v. B.Mohan Koikal and others** [2011 KHC 4271] has held that the first and foremost principle of interpretation of statute in every system of interpretation is the literal rule of interpretation.

The other rules of interpretation eg. the mischief rule, purposive interpretation etc. can only be resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal rule. In **Punjab State Power Corporation Limited and Another v. EMTA Coal Limited** [2021 KHC 6495] it was held as follows:-

“Though there are various authorities on the said subject, we do not wish to burden the present judgment by reproducing those. In our considered view, if the words used in S.11 of the said Act are construed in plain and literal term, they do not lead to an absurdity and as such, the rule of plain and literal interpretation will have to be followed.”

Similarly in **Vinod Kumar v. District Magistrate Mau** [2023 KHC 6683] also the Apex held as follows:-

24. In the case on hand, the High Court seems to have completely misread the provisions of the Act 1956. It fell into error as it failed to apply the well settled principle of law that for construing a legal

provision, the first and foremost rule of construction is the literal construction. All that the Court has to see at the very outset is what does the provision state. If the provision is unambiguous and from the provision the legislative intent is clear, the Court need not call into aid the other rules of construction of statute. The other rules of construction are called into aid only when the legislative intent is not clear.

25. It may be mentioned in the aforesaid context that the first and foremost principle of interpretation of a statute in every system of interpretation is the literal rule of interpretation. The other rules of interpretation, for example, the mischief rule / purposive construction, etc. can only be resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal rule. The language employed in a statute is the determinative factor of the legislative intent. The legislature is presumed to have made no mistakes. The presumption is that it intended to say what it has said. Assuming there is a defect or an omission in the words used by the legislature, the Court cannot correct or make up the deficiency."

27.A reading of Section 28(1K) would make it abundantly clear that in the case of a Regional Milk Producers Union having jurisdiction over more than one revenue district, the members of the committee representing each revenue district are to be

elected by the member societies of that particular revenue district itself from among themselves. Therefore, this provision with regard to conduct of the election to the committees of Regional Milk Producers Unions operates as a proviso to the general provision that the election to the Managing Committee of a Co-operative Society is to be conducted by holding a general body meeting. Further, we notice that the Scheme of the Act and the Rules framed thereunder are to the effect that every society, whether it be managed by an elected managing committee or by an administrator, is entitled and eligible to send a delegate to the general body of Central or Apex Societies. This is apparently in accordance with the principles of democratic self governance of societies as envisaged in the Preamble to the Act. At the risk of repetition, we extract the relevant portion of Section 28(8) here once again.

“the delegate of the member Anand Pattern Milk Cooperative Society to attend the general body meetings and to contest the elections to the managing committee of the Regional Co-operative Milk Producers’ Union shall be the President of member Anand Pattern Milk Co-operative Societies only.”

28.We are of the opinion that Section 28(8), read as it is, only provides that persons eligible to attend the general body meetings and be elected as members of the Managing Committee would be Presidents of the Managing Committees of the Member Societies, thereby drawing a distinction between Societies which are governed by Managing Committees which are duly elected and societies which are managed by Administrators. When such a distinction is being drawn by a provision with a non obstante clause, the provision has to be strictly interpreted so that what is plainly stated in the Section alone is given effect to. As stated earlier, a plain reading of Section 28(8) does not refer to casting of votes by Member Societies in the elections to the Regional Co-operative Milk Producers Union. If that be so, a reading of such an inhibition into the provision would amount to doing violence to the same.

29.We are of the opinion that Section 28(8) specifically refers only to general body meetings and the right of being elected as Members of the Managing Committee of the Union. The

right to vote in the election is conspicuously absent from the wordings provided in Section 28(8). If that be so, a conjoint reading of Section 28(1K) and Section 28(8) could only yield the result that since election to the RCMPU is not conducted in a general body, the delegates of Societies under the control of administrators are also eligible and entitled to participate in the election. The clear and unambiguous meaning of Section 28(8) would be that only the President of Anand Pattern Milk Cooperative Societies are eligible to attend general body meetings and contest the elections to the Managing Committee of the Regional Cooperative Milk Producers Union, however, delegates sent by all member societies can vote in the elections.

30.Though the learned counsel appearing for the appellant urged a further contention that Section 28(8) would apply only in the case of Anand Patterns Milk Producers Societies which are governed by the elected Managing Committee and would not apply in the case of societies governed by

Administrators, we are of the opinion that the said question does not require to be answered in the instant case in view of the fact that the only dispute arising in this batch of writ appeals is with regard to the right of members sent as delegate by APCOS societies governed by administrators to vote in the elections conducted in terms of Section 28(1K) to the Managing Committee of the Regional Cooperative Milk Producers Union. On a close scrutiny of the provisions as detailed above and the decisions on the point, we are of the opinion that a plain reading of the provision inclusive of its *non obstante clause* deals only with the right to attend the general body meeting and to be elected as a member of the committee of the Regional Cooperative Milk Producers Union

31. In the above view of the matter, we are of the opinion that the judgment of the learned single Judge requires interference. The findings of the learned single Judge on issues B and C shall stand reversed. Since the language of the primary legislation is clear and unambiguous, we are of

the opinion that the votes cast by the delegates of the Member societies which were administered by Administrators or Administrative Committees at the relevant time are liable to be counted and the results declared accordingly. It is so directed and the writ appeals are ordered accordingly.

sd/-

Anu Sivaraman, Judge

sd/-

C.Pratheep Kumar, Judge

APPENDIX OF WA 1186/2023

PETITIONER ANNEXURES

Annexure1

TRUE PHOTOCOPY OF THE IMPLEADING
PETITION FILED BY THE 4TH RESPONDENT
DATED 8/12/2022

APPENDIX OF WA 1187/2023

PETITIONER ANNEXURES

Annexure1 TRUE COPY OF THE KERALA COOPERATIVE
SOCIETIES (AMENDMENT) BILL 2022, BILL
NO.110

APPENDIX OF WA 1204/2023

PETITIONER ANNEXURES

Annexure

MEMO FILED BY THE SPECIAL GOVERNMENT
PLEADER.

TRUE COPY

PS TO JUDGE