

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

WEDNESDAY, THE 3<sup>RD</sup> DAY OF NOVEMBER 2021 / 12TH KARTHIKA, 1943

WP(C) NO. 21135 OF 2021

**PETITIONERS:**

- 1 K RAJASEKHARAN, AGED 69 YEARS  
S/O. P.VASUDEVAN PILLAI, ESWARI NILAYAM, PUNNAKULAM,  
KULASEKHARAPURAM, KOLLAM DISTRICT, PIN CODE 690 544
- 2 T K PRATHAPACHANDRAN, AGED 63 YEARS  
S/O. KARUNAKARAN, THAZHATHMURIYIL, KR PURAM, CHERTHALA  
P.O, CHERTHALA, ALAPPUZHA DISTRICT, PIN CODE 688 541
- 3 K.R PURAM KSHEEROLPADAKA SAHAKARANA SANGHAM NO. A  
202(D) APCOS, KR PURAM, CHERTHALA P.O, CHERTHALA,  
ALAPPUZHA DISTRICT, PIN CODE 688 541, REPRESENTED BY ITS  
SECRETARY.

BY ADVS.D.SOMASUNDARAM  
ARUN CHANDRAN  
HARIMOHAN

**RESPONDENTS:**

- 1 THE GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT STATUE,  
THIRUVANANTHAPURAM DISTRICT, PIN CODE 695 001  
REPRESENTED BY ITS CHIEF SECRETARY
- 2 THE SECRETARY TO GOVERNMENT, AGRICULTURE (DAIRY DEVELOPMENT)  
DEPARTMENT, GOVERNMENT SECRETARIAT, STATUE,  
THIRUVANANTHAPURAM DISTRICT, PIN CODE 695 001
- 3 THE THIRUVANANTHAPURAM REGIONAL COOPERATIVE MILK PRODUCERS  
UNION LTD (MILMA), KSHEERA BHAVAN, PATTOM, THIRUVANANTHAPURAM,  
PIN CODE 695 004, REPRESENTED BY ITS MANAGING DIRECTOR.
- 4 THE ADMINISTRATIVE COMMITTEE, THE THIRUVANANTHAPURAM REGIONAL  
COOPERATIVE MILK PRODUCERS UNION LTD (MILMA) KSHEERA BHAVAN,  
PATTOM, THIRUVANANTHAPURAM, PIN CODE 695 004, REPRESENTED BY  
ITS CHAIRMAN/CONVENER.

ADV SMT. LATHA ANAND  
SR GP. SRI. BIMAL K NATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
03.11.2021, ALONG WITH WP(C).19511/2021, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

WEDNESDAY, THE 3<sup>RD</sup> DAY OF NOVEMBER 2021 / 12TH KARTHIKA, 1943

WP (C) NO. 19511 OF 2021

PETITIONERS :

- 1 KALLADA REMESH, AGED 60 YEARS, RESIDING AT  
NIRAPPURAVAILAYIL, CHITTUMALA, EAST KALLADA, KOLLAM
- 2 EAST KALLADA KSHEEROLPADAKA SAHAKARANA SANGHAM  
LTD. NO. Q.23 (D) (APCOS), REP. BY ITS SECRETARY,  
CHITTUMALA, EAST KALLADA P.O., KOLLAM

BY ADVS. P.N. MOHANAN  
C.P. SABARI  
AMRUTHA SURESH

RESPONDENTS :

- 1 STATE OF KERALA, REP. BY CHIEF SECRETARY, SECRETARIAT,  
THIRUVANANTHAPURAM 695 001
- 2 CO-OPERATIVE DEPARTMENT OF GOVERNMENT REP. BY SECRETARY  
TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM 695 001
- 3 ANIMAL HUSBANDRY (DAIRY) DEVELOPMENT DEPARTMENT  
SECRETARIAT GOVERNMENT, REP. BY SECRETARY,  
THIRUVANANTHAPURAM 695 001
- 4 THE DIRECTOR, OFFICE OF THE DIRECTOR OF DAIRY  
DEVELOPMENT DEPARTMENT, PATTAM,  
THIRUVANANTHAPURAM 695 004
- 5 THE CONVENER, ADMINISTRATIVE COMMITTEE OF  
THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK  
PRODUCERS UNION LTD NO. T 177 D APCOS, KSHEERABHAVAN,  
PATTOM, THIRUVANANTHAPURAM 695 004
- 6 THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK  
PRODUCERS UNION LTD NO. T 177 D APCOS,  
REP. BY MANAGING DIRECTOR, KSHEERABHAVAN, PATTOM,  
THIRUVANANTHAPURAM 695 004

BY ADVS.

**WP(C) NO. 19511 OF 2021**

RENJITH THAMPAN (SR.)  
LATHA ANAND  
V.M.KRISHNAKUMAR  
SPL. GP SRI. P.P THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.11.2021, ALONG WITH WP(C).21135/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The ordinance under challenge in the writ petitions having been placed before the Legislative Assembly and having received assent pending the writ petition, the petitioners, without prejudice to their rights, confine their relief in the writ petition for a direction for the conduct of election to the union without further delay.

2. Heard the learned counsel for the petitioners and perused the pleadings on record.

3. The Director Board of the Thiruvananthapuram Regional Co-operative Milk Producers Union, with which we are concerned, consists of 14 members. They are to be elected from 4 districts namely, Thiruvananthapuram, Kollam, Pathanamthitta and Alappuzha. This is to be in accordance with the membership of the Dairy Societies in each district. The allotment of seats for each districts is to be decided by the general body of the Union. The bye-laws of the society needs to be made in tune with the statutory amendments for which a

W.P(C) Nos.19511 of 2021 & 21135 of 2021

general body is to be held. The date and manner of election to the board is to be fixed by the general body. Therefore, convening of a general body of the Union is the first step in the process. The term of the elected committee expired on 21.02.2021. Therefore, necessarily the proceedings need to be expedited.

4. Accordingly it is ordered that, the 5<sup>th</sup> respondent, who is the convener of the administrative committee shall take steps to have the general body convened within a period of one month from the date of receipt of a copy of this judgment. The general body shall deal with the matters mentioned supra. The election shall be held within a further period of three months from the date of holding the general body. Needless to say that, the administrative committee in office shall not take any policy decisions.

Writ petitions disposed of as above.

Sd/-

**SATHISH NINAN**

**JUDGE**

**APPENDIX OF WP(C) 21135/2021**

PETITIONER EXHIBITS

Exhibit P1                    TRUE COPY OF THE ORDINANCE BEARING NUMBER  
117 OF 2021

**APPENDIX OF WP(C) 19511/2021**

## PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE ORDINANCE NO.32/2021  
PUBLISHED IN THE GAZETTE DATED 12.2.2021
- Exhibit P2 A TRUE COPY OF THE ORDINANCE NO.47/2021  
PUBLISHED IN THE GAZETTE DATED 24.2.2021
- Exhibit P3 A TRUE COPY OF THE ORDINANCE NO.93/2021 DATED  
3.7.2021
- Exhibit P4 A TRUE COPY OF THE NOTICE DATED 8.7.2021  
ISSUED BY THE SECRETARY, KERALA LEGISLATURE  
ALONG WITH CALENDAR OF VARIOUS PROGRAMMES  
SCHEDULED IN THE ASSEMBLY
- Exhibit P5 A TRUE COPY OF THE ORDINANCE NO.117/2021 DATED  
24.8.2021 PUBLISHED IN THE GAZETTE DATED  
25.8.2021
- Exhibit P6 A TRUE COPY OF THE RULE 15 OF THE KCS RULES  
WITH UPTO DATE AMENDMENT
- Exhibit P7 A TRUE COPY OF THE ORDER DATED 16.2.2021 OF  
THE FOURTH RESPONDENT
- Exhibit P8 A TRUE COPY OF THE ORDER DATED 31.5.2021 OF  
THE DIRECTOR OF DIARY DEVELOPMENT
- Exhibit P9 A TRUE COPY OF THE COUNTER AFFIDAVIT FILED IN  
W.P. (C) NO.6032/2021
- Exhibit P10 A TRUE COPY OF THE INTERIM ORDER DATED  
29.3.2021 IN WPC -6032/2021
- Exhibit P11 A TRUE COPY OF THE COMMUNICATION DATED  
7.9.2021 ISSUED BY THE FIFTH RESPONDENT
- Exhibit P12 A TRUE COPY OF THE ORDERS DATED 5.8.2021 IN  
WPC.15721/2021
- Exhibit P13 A TRUE COPY OF THE ORDERS DATED 11.8.2021 IN  
WPC-15721/2021