

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 30TH DAY OF JULY 2019 / 8TH SRAVANA, 1941

WP(C).No.20776 of 2019

PETITIONER/S:

P.V.GEORGE, AGED 57 YEARS  
KALATHIL PUTHUPPARAMBIL HOUSE,  
SACHIVOTHAMA PURAM P. O.,  
CHANGANACHERRY TALUK,  
KOTTAYAM DISTRICT, PIN - 686532.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENT/S:

- 1 DEPUTY DIRECTOR, DIARY DEVELOPMENT DEPARTMENT,  
KOTTAYAM, PIN - 686 001.
- 2 SACHIVOTHAMA PURAM DAIRY INDUSTRIAL CO-OPERATIVE  
SOCIETY, REGISTRATION NO.290, SACHIVOTHAMA  
PURAM P. O., KOTTAYAM DISTRICT, PIN - 686532.  
REPRESENTED BY ITS SECRETARY.
- 3 SECRETARY, SACHIVOTHAMA PURAM DAIRY INDUSTRIAL  
CO-OPERATIVE SOCIETY, REGISTRATION NO.290,  
SACHIVOTHAMA PURAM P. O., KOTTAYAM DISTRICT,  
PIN - 686532.
- 4 DIARY DEVELOPMENT OFFICER (ADMINISTRATOR)  
CHANGANACHERRY, KOTTAYAM, PIN - 686101.

BY ADV. SMT.C.S.SHEEJA, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30.07.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The limited prayer of the petitioner in this Writ Petition, who is stated to be the President of the 2<sup>nd</sup> respondent-Society, is that on completion of the term of the Managing Committee on 02.08.2019, an Administrative Committee may be directed to be appointed by the 1<sup>st</sup> respondent-Deputy Director, Dairy Development Department, who is the functional Joint Registrar with respect to the 2<sup>nd</sup> respondent-Society, under Section 33 of the Kerala Co-operative Societies Act.

2. According to the petitioner, there are persons of unimpeachable integrity and statute among the members of the present Managing Committee of the Society, including himself and therefore, that three among them can be appointed in the Administrative Committee. He, therefore, prays that necessary directions be issued to the 1<sup>st</sup> respondent for this purpose.

3. Smt.C.S.Sheeja, learned Senior Government Pleader, submits that there is no legal impediment in considering whether an Administrative Committee can be constituted comprising of acceptable persons in the Society, provided they have no proceedings against them pending or concluded; but that in the alternative, liberty may be given to the Authority to appoint a Part-Time Administrator. She, however, adds that as regards the petitioner is concerned, his claim to be fully qualified to be an Administrative Committee member cannot be accepted, since he is admittedly being proceeded against under Rule 44(1)(j) of the Kerala Co-operative Societies Rules, as is clear from Ext.P5 judgment.

4. There is no doubt that the powers of the Joint Registrar of Co-operative Societies under Section 33 of the KCS Act are virtually plenary, as long as it is not contrary to the provisions

of the KCS Act and Rules. It is the Joint Registrar who has to decide what kind of arrangement has to be put in place after the Managing Committee of a Society is superseded or its term expires.

5. In the afore perspective, it will not be proper or prudent for this Court to affirmatively direct the Joint Registrar to take a decision in a particular manner, but I am of the view that taking note of the rather peculiar circumstances involved herein, he should first consider whether three among the present Managing Committee members can be chosen to be in the Administrative Committee and only in the absence of any such persons being available, that a Part-Time Administrator be appointed.

Resultantly, I order this writ petition and direct the 1<sup>st</sup> respondent to consider and complete the exercise as ordered above, as expeditiously as is possible, but not later than

02.08.2019, when the term of the present Managing Committee expires.

In view of the nature of the directions above, I direct the learned Senior Government Pleader to communicate this judgment to the 1<sup>st</sup> respondent even without waiting to obtain the certified copy.

sd/-

**DEVAN RAMACHANDRAN**

**JUDGE**

RR

APPENDIX

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE PROCEEDINGS DATED 15.06.2019 BEARING NO.D/823/2019/K.DIS ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 22.05.2019 BEARING NO.D/823/19 ISSUED UNDER RULE 44(1) (J) OF THE KERALA CO-OPERATIVE SOCIETIES RULES.
- EXHIBIT P3 TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 13.06.2019.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 17.06.2019 BEARING NO.C/2565/2019 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 05.07.2019 IN W.P.(C) NO.17768/2019 BEFORE THIS HON'BLE COURT.
- EXHIBIT P6 TRUE COPY OF THE REQUEST BEFORE THE 1ST RESPONDENT SUBMITTED BY THE PRESENT MANAGING COMMITTEE DATED 19.07.2019.
- EXHIBIT P7 TRUE COPY OF THE RESOLUTION DATED 19.07.2019 OF THE SACHIVOTHAMA PURAM DIARY INDUSTRIAL CO-OPERATIVE SOCIETY.