

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 26TH DAY OF AUGUST 2016/4TH BHADRA, 1938

WP(C).No. 6068 of 2016 (G)

PETITIONER(S):

**M/S.MOOLATHARA KSHEEROLPATHAKA CO-OPERATIVE SOCIETY LTD
KP-65 (D) APCOS, MEENAKSHIPURAM PO, CHITTUR TALUK,
PALAKKAD DISTRICT 678533, REPRESENTED BY ITS PRESIDENT,
E.SACHIDANANDAGOPALAKRISHNAN**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT
CIVIL STATION, PALAKKAD 678001**
- 2. DAIRY EXTENSION OFFICER
NATTUKAL PO, CHITTUR TALUK, PALAKKAD DISTRICT 678101**
- 3. MR. R.KRISHNASWAMY
S/O.C.RAKKIAPPA GOUNDER, KARUPPATTI THURAI,
MEENAKSHIPURAM, PALAKKAD DISTRICT 678533**
- 4. MR. R.SUBRAMANIAN
S/O.C.RAKKIAPPA GOUNDER, KARUPPATTI THURAI KADU,
MEENAKSHIPURAM, PALAKKAD DISTRICT 678533**
- 5. MR. N.MARAGATHAM
SRAMBI, MEENAKSHIPURAM PALAKKAD DISTRICT 678533**
- 6. MR. MUTHUKUMAR
S/O.CHINNAPPA GOUNDER, VALAKKUPARA KADU,
MEENAKSHIPURAM PALAKKAD DISTRICT 678533**
- 7. MR. MUTHUCHAMY
S/O.PALANI GOUNDER, SRAMBI,
MEENAKSHIPURAM, PALAKKAD DISTRICT 678533**
- 8. MR. VELUCHAMY
KUZHANGAVELU GOUNDER, CHORUTTUTHURA KADU,
MEENAKSHIPURAM, PALAKKAD DISTRICT 678533**

**R3-R8 BY ADVS. SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN
R1 BY SR. GOVERNMENT PLEADER SMT.C.S.SHEEJA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-08-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE COMPLAINT DATED 28.08.2014 SUBMITTED BY THE RESPONDENTS 3 AND 6 OTHERS ALONG WITH ITS ENGLISH TRANSLATION
- P2: THE TRUE COPY OF JUDGMENT MADE IN WPC.NO.645/2015 DATED 08.01.2015
- P3: THE TRUE COPY OF THE STATEMENT DATED 07.03.2015 FURNISHED BY THE SECRETARY OF THE PETITIONER SOCIETY ALONGWITH ITS ENGLISH TRANSLATION
- P4: THE TRUE COPY OF THE ORDER DATED 08.03.2015 PASSED BY THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- P5: THE TRUE COPY OF THE ORDER DATED 30.01.2016 ISSUED BY THE 1ST RESPONDENT IN THE NAME OF THE PETITIONER
- P6: THE TRUE COPY OF THE REQUEST DATED 03.02.2016 SENT BY THE PETITIONER SOCIETY TO THE 1ST RESPNDENT ALONGWITH ITS ENGLISH TRANSLATION
- P7: COPY OF THE NOTICE DATED 11.4.2016 ISSUED BY THE IST RESPONDMENT
- P8: TRUE COPY OF THE NOTICE CONVENING A SPECIAL GENERAL BODY MEETING 15.3.2016
- P9: TRUE COPY OF THE RESOLUTION TAKEN IN THE SPECIAL GENERAL BODY MEETING HELD IN PURSUANCE TO EXHIBIT P8 NOTICE.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): TRUE COPY OF THE NOTICE

EXT.R2(b) & R1(c): TRUE COPY OF THE STATEMENTS FILED BY THE RESPONDENTS

//TRUE COPY//

P.A. TO JUDGE

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SHAJI P. CHALY, J.

W.P.(C). No.6068 of 2016

Dated this the 26th day of August, 2016

JUDGMENT

Petitioner is co-operative society registered under the Co-operative Societies Act. Petitioner is highly aggrieved by issuance of Ext.P5 order passed by the first respondent, whereby petitioner is directed to start a milk procurement centre at 'Srambi' for the benefit of respondents 3 to 8, who are members of the petitioner society. In response to a notice issued by the first respondent, petitioner appeared through its Secretary and submitted that there are no vendors appointed by the society for collection of milk from respective members and it was also informed that the general body of the society permits collection centres will be started as per the direction of the general body. Thereafter, first respondent passed an order dated 8.3.2015 in compliance with Ext.P2 judgment. On

receipt of the said order petitioner sent a communication dated 12.4.2015 after convening a meeting of the Board of Directors, whereby it was informed that the petitioner society is collecting milk from the respective members in their only, and was also disbursing the amount due to be paid to the members directly and decided to continue the same procedure. It was thereafter, Ext.P5 is passed directing the society to open milk collection centre at 'Srambi'. It is in this background, this writ petition is filed.

2. Counter affidavit is filed by the first respondent contending that Ext.P5 order was passed after providing sufficient opportunity to the petitioner society. As the petitioner society has larger area of operation by starting milk collection centre at 'Srambi' vendors, middlemen and the commission of milk procurement can be avoided. It is also stated that, the action initiated by respondents are in accordance with

law and therefore, no manner of interference is required.

3. Heard respective counsel and perused the documents on record and pleadings put forth.

4. Learned counsel for respondents 3 to 8 submitted that, the milk can be collected by one of the said respondents from 3 to 8 or any other person/persons nominated by them and produce before the petitioner society.

5. Petitioner society submitted that, it has no objection in respondents 3 to 8 doing so.

6. Therefore, recording the said submission, direct the petitioner society to accept milk from any persons nominated by respondents 3 to 8, or from any one among themselves.

Sd/-

SHAJI P. CHALY, JUDGE