

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 22ND DAY OF MAY 2019 / 1ST JYAISHTA, 1941

WP(C).No. 7019 of 2019

PETITIONER/S:

PRASANTH KUMAR, AGED 38 YEARS, S/O. PRABHAKARAN,
NELLISSERIL, KANNANKARA P.O, CHERTHALA-688 527

BY ADV. SRI.BETSON P.KUNJAPPAN

RESPONDENT/S:

- 1 DIRECTOR OF DAIRY DEVELOPMENT DEPARTMENT PATTOM
PATTOM P.O, THIRUVANANTHAPURAM-695 004
- 2 DEPUTY DIRECTOR OF DAIRY DEVELOPMENT DEPARTMENT,
DISTRICT OFFICE, MELUVALLIL BUILDING,
IRON BRIDGE P.O, ALAPPUZHA-688 011
- 3 THANEERMUKKAM KSHEEROLPADAKA SAHAKARANA SANGHAM
REPRESENTED BY ITS MANAGING COMMITTEE,
THANEERMUKKAM P.O, CHERTHALA-688 527
- 4 PREETHA R. CHANDRAN, AGED AROUND 45 YEARS,
W/O. SABU, MANI BHAVAN, THANEERMUKKAM P.O,
CHERTHALA-688 527

BY ADVS.

SRI S MANU-R4

SRI BOBBY JOHN PULICKAPARAMBIL-R3

SMT C S SHEEJA-SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.05.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, who claims to be the member of the 3rd respondent-Society, has filed this Writ Petition alleging that the various complaints made by him before the 1st and 2nd respondents, who are the competent Statutory Authorities with respect to the 3rd respondent-Society, that the 4th respondent is not qualified to function as the Secretary of the said Society, has not been considered or finalized until now.

2. It is the petitioner's specific allegation that even though the 4th respondent does not have the requisite qualification, she has been appointed and allowed to function as the Secretary of the Society and he prays that the 1st and 2nd respondents be, therefore, directed to to consider his complaint, namely Ext.P6, in terms of law and to issue a final order thereon within a short period of time.

3. Sri.Bobby John, the learned counsel appearing on behalf of the 3rd respondent-Society, in response, impelled a preliminary objection regarding the maintainability of this Writ Petition alleging that the petitioner is not a member of the Society and that his statements in this Writ Petition to that effect are wrong and confutative. He says that unless the petitioner is able to establish that he is a member of the Society, his locus to maintain this Writ Petition becomes untenable and that therefore, this Court may dismiss this Writ Petition on that short ground. After saying so, the learned counsel submits that the allegations against the 4th respondent are completely wrong and that she is fully qualified to hold the post and therefore, that the reliefs sought for in this Writ Petition may not be granted.

4. Sri.S.Manu, the learned counsel appearing on behalf of the 4th respondent, also

affirms the submissions of Sri.Bobby John and says that his client will be able establish beyond doubt that she is fully qualified to hold the post. He, therefore, prays that this Writ Petition be dismissed for these reasons.

5. Smt.C.S.Sheeja, the learned Senior Government Pleader appearing on behalf of the official respondents, submits that on receipt of Ext.P6 complaint from the petitioner, a report was called for by the 2nd respondent-Deputy Director of Dairy Development Department from the concerned Dairy Extension Officer and that the said complaint is still being investigated into by the said Authority in terms of law. She says that the final order on Ext.P6 can be issued after affording an opportunity of being heard to the petitioner, the 3rd respondent and the 4th respondent as per law, within a short time frame. She adds that since the 3rd respondent has now raised an objection regarding

the membership of the petitioner in the said Society, that aspect will also be considered by the 2nd respondent while finalising the proceedings.

6. Taking note of the afore submissions made by the learned Senior Government Pleader, it becomes obvious that the petitioner has approached this Court prematurely since the proceedings pursuant to his complaint is still underway before the competent Authority. It is certainly necessary that the said Authority be allowed to complete the said proceedings, before this Court embark upon a judicial review of any action that may be taken by the said Authority.

In the afore perspective, I close this Writ Petition without issuing any further orders as prayed for; however, recording the submissions of the learned Senior Government Pleader that the enquiry into the complaint of the petitioner is underway and final orders thereon will be

issued within a short period.

Resultantly, I order this Writ Petition and direct the 2nd respondent to complete the proceedings pending before him, after affording all necessary opportunities to the petitioner, the 3rd respondent and the 4th respondent and after adverting the contention of the 3rd respondent that the petitioner is not a member of the Society; and thereafter, issue a final order thereon as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment.

I make it clear that I have not considered the merits of any of the contentions of the rival parties and that they will be at liberty to raise all of them before the 2nd respondent appropriately.

This writ petition is thus ordered.

SD/-

DEVAN RAMACHANDRAN

RR

JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF CIRCULAR NO. 3/95 DATED 17.02.1995 OF THE 1ST RESPONDENT.
EXHIBIT P2	TRUE COPY OF CIRCULAR NO. H/16530/94 DTED 24.04.1998 OF THE 1ST RESPONDENT.
EXHIBIT P3	TRUE COPY OF THE RIGHT TO INFORMATION PETITION FILED BY THE PETITIONER ON 24.11.2017
EXHIBIT P3 A	TRUE COPY OF THE REPLY LETTER FROM THE OFFICE OF THE 2ND RESPONDENT DATED 20.12.2017
EXHIBIT P4	TRUE COPY OF THE RIGHT TO INFORMATION PETITION FILED BY THE PETITIONER ON 16.07.2018
EXHIBIT P4 A	TRUE COPY OF THE REPLY LETTER FROM THE OFFICE OF 2ND RESPONDENT DATED 14.08.2018
EXHIBIT P5	TRUE COPY OF THE REPLY LETTER FROM THE OFFICE OF 2ND RESPONDENT DATED 06.07.2018
EXHIBIT P6	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER ON 15.09.2018
EXHIBIT P6 A	TRUE COPY OF THE REPLY LETTER FROM THE OFFICE OF 2ND RESPONDENT DATED 30.10.2018