

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY ,THE 01ST DAY OF APRIL 2019 / 11TH CHAITHRA, 1941

WP(C).No. 8983 of 2019

PETITIONER/S:

RAMESH S.
AGED 50 YEARS
S/O.SUBBAYAN, ENGINEER THOTTAM, WALAYAR DAM P.O.,
PUTHUSSERRY,
PALAKAKD 678 624.

BY ADVS.
SRI.K.T.THOMAS
SRI.MATHEW B. KURIAN

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF DAIRY
DEVELOPMENT, SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 2 THE DIRECTOR,
DEPARTMENT OF DAIRY DEVELOPMENT, PATTM,
THIRUVANANTHAPURAM 695 004.
- 3 THE DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT, CIVIL STATION, PALAKKAD 678 501.
- 4 SRI. THANKAVEL.S.
CONVENOR ADMINISTRATIVE COMMITTEE,
WALAYAR MILK, PRODUCERS CO-OP SOCIETY LIMITED,
NO. P. 100 D, APCOS, CHANDRAPURAM, WALAYAR P.O.,
PALAKKAD 678 624.
- 5 SRI. NATARAJAN,
MEMBER ADMINISTRATIVE COMMITTEE,
WALAYAR MILK PRODUCERS CO-OP SOCIETY LIMITED, NO. P. 100D APCOS,
CHANDRAPURAM , WALAYAR P.O.,
PALAKKAD 678 624.
- 6 SRI. JOLLY ABRAHAM,
MEMBER ADMINISTRATIVE COMMITTEE,
WALAYAR MILK PRODUCTS CO-OP SOCIETY LIMITED, NO. P. 100D APCOS,
CHADNRAPURAM, WALAYAR P.O.,
PALAKAKD 678 624.
- 7 WALAYAR MILK PROIDUCERS CO- OP SOCIETY
LIMITED,
NO. P 100 D, APCOS CHADNRAPURAM, WALAYAR P.O.,
PALAKAKD 678 624, REPRESENTED BY ITS SECRETARY.

OTHER PRESENT:

SMT.C.S.SHEEJA, SR.GP, SRI.RAVI K(PARIYARAT)-R4-R6

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.04.2019, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioner is stated to be a member of the former Managing Committee of the 7th respondent - Society and though he has prayed that the Administrative Committee, now in charge of the Society, be directed to be replaced by a Part Time Administrator; at the time when this matter was heard, his counsel gave up that plea for the time being and confined his request that the Administrative Committee be directed to adopt the requisite resolution to call for fresh elections to the Managing Committee of the Society.

2. Smt.C.S.Sheeja, the learned Government Pleader appearing on behalf of the official respondents, submitted that since the Administrative Committee had been appointed only because 6 members of the former Managing Committee had resigned and for no other reason there is no legal impediment in calling for fresh elections to the Managing Committee of the Society, but says that on account of the Lok Sabha elections, such exercise be directed to be done only after 23rd May, 2019.

3. The learned counsel appearing for respondents 4 to 6, Sri.Ravi K. Pariyarath, submits that his clients had been

appointed as the members of the Administrative Committee only on 18.03.2019 and that they will require a minimum of four months to adopt the resolution for elections to the Managing Committee of the Society. He says that within this time, his clients will adopt the necessary resolution and forward it to the Co-operative Election Commission.

4. Even when I hear Sri.Ravi.K.Pariyarath, learned counsel for respondents 4 to 6 as afore, I see no justification for his clients in seeking four months time to adopt the necessary resolution because I notice from the pleadings on record that the earlier Managing Committee was removed only because they lost the quorum on account of six of its members resigning. There does not appear to be any other allegation against the Committee or that there was an enquiry under Section 68 or a supersession under Section 32 of the Kerala Co-operative Societies Act (hereinafter referred to as the 'Act' for short). I am therefore, of the view that a period of two months will be apposite to enable the present Administrative Committee to adopt the necessary resolution for elections to the Managing Committee of the Society.

5. In the afore circumstances and also taking note of the submissions of Smt.C.S.Sheeja, the learned Senior Government Pleader, I order this writ petition and direct respondents 4 to 6 to adopt the requisite resolution, calling for elections to the Managing Committee of the Society, within a period of two months from the date of receipt of a copy of this judgment and to forward the same, through proper channel to the State Co-operative Election Commission.

6. On such a resolution being received by the Election Commission, they will take immediate steps for conduct of the elections and ensure that the said process is completed within a further period of two months from the date on which the resolution is received by them.

Needless to say, the Administrative Committee shall not take any policy decisions or enroll new members, as has been declared by the Hon'ble Supreme Court in several judgments.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE LETTER OF RESIGNATION DATED 12.3.2019 SUBMITTED BY PETITIONER AND OTHERS.
EXHIBIT P2	TRUE COPY OF THE LETTER OF RESIGNATION DATED 15.3.2019 SUBMITTED BY MERSILIN JESY.
EXHIBIT P3	TRUE COPY OF THE ORDER DATED 18.3.2019 PASSED BY THE 3RD RESPONDENT.