

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE GOPINATH P.**

**FRIDAY, THE 5<sup>TH</sup> DAY OF JANUARY 2024 / 15TH POUSHA, 1945**

**WP(C) NO. 213 OF 2024**

**PETITIONER/S:**

THE ANDOORKORNAM KSHEEROLPADAKA SAHAKARNA SANGHOM  
T.122(D) APCOS, ANDOORKONAM P.O., THIRUVANANTHAPURAM  
REPRESENTED BY ITS VICE PRESIDENT, PIN - 695584  
BY ADVS.  
N.ANAND  
RAJESH O.N.

**RESPONDENT/S:**

- 1 STATE OF KERALA  
DEPARTMENT OF AGRICULTURE, REPRESENTED BY ITS SECRETARY  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR OF DAIRY DEVELOPMENT  
DAIRY DEVELOPMENT DEPARTMENT, PATTOM,  
THIRUVANANTHAPURAM, PIN - 695004
- 3 THE DISTRICT POLICE CHIEF  
THIRUVANANTHAPURAM RURAL UNIVERSITY OF KERALA SENATE  
HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM, PIN - 695033
- 4 THE STATION HOUSE OFFICER  
POTHENCODE POLICE STATION POTHENCODE - ANDOORKONAM  
ROAD, THIRUVANANTHAPURAM, PIN - 695584
- 5 THE STATE CO-OPERATIVE ELECTION COMMISSION  
REPRESENTED BY ITS SECRETARY, CO-BANK TOWERS, PALAYAM,  
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033
- 6 RETURNING OFFICER  
THE ANDOORKORNAM KSHEEROLPADAKA SAHAKARNA SANGHOM  
T.122(D) APCOS UNIT DAIRY FARM INSPECTOR BLOCK A, DAIRY  
EXTENSION SERVICE UNIT, POTHENCODE BLOCK PANCHAYATH  
OFFICE, KAZHAKKOOTOM THIRUVANANTHAPURAM, PIN - 695584
- 7 M. SUDHEER  
S/O MASTANKUNJU SUDHEER MANZIL, VELLOOR, ANDOORKONAM,  
THIRUVANANTHAPURAM, PIN - 695584  
SMT. C.S. SHEEJA, SR. GP  
SRI. C.M. NAZAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
05.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner is a Co-operative Society registered and functioning under the provisions of the Co-operative Societies Act, 1969. The election to the Managing Committee of the Society is scheduled to be held on 10.01.2024. Apprehending disorderly conduct by anti-social elements, the petitioner is stated to have submitted Exts.P4, P5 and P7 requests seeking police protection so as to hold a free and fair election. Complaining of inaction, the petitioner is before this Court seeking the following reliefs:.

*i. Issue a writ of mandamus or any other appropriate Writ, Order or direction commanding Respondents 3 and 4 to afford sufficient police protection during the polling of the election to the managing committee of petitioner society, scheduled on 10.01.2024 and to continue that protection till results are declared;*

*ii. Issue a writ of mandamus or any other appropriate Writ, order or direction, directing respondent 5 and 6 to videograph the entire polling process on 10.01.2024 or in the alternative, permit the petitioner to arrange for videography of the entire election proceedings at its expense of the premises where election is conducted.*

2. I have heard Adv. N Anand, the learned counsel appearing for the petitioner, Adv. C.M. Nazar, the learned Standing Counsel appearing for respondents 5 and 6 and Adv. C.S. Sheeja, the learned Senior Government Pleader.

3. Having regard to the facts and circumstances and the submissions made across the bar, this writ petition is ordered by issuing the following directions.

(i) There will be a direction to the 4<sup>th</sup> respondent to ensure smooth conduct of the election to the Managing Committee of the petitioner society to be held on 10.01.2024 in terms of the Circular dated 20.11.2013 issued by the State Police Chief.

(ii) There will be a direction to respondents 5 and 6 to consider the request of the petitioner to videograph the process of election, and the petitioner shall be granted permission to videograph the process of election at its own expense. Such videography shall be under the supervision of the 6<sup>th</sup> respondent and shall be carried out without causing any manner of disturbance to the voters and officials and without causing any interference with the balloting done in the polling booths.

**Sd/-**  
**GOPINATH P.**  
**JUDGE**

**APPENDIX OF WP(C) 213/2024**

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE JUDGMENT DATED 17.10.2013 PASSED BY THIS HON'BLE COURT IN W.P(C) NO. 24603 OF 2013
- Exhibit P2 A TRUE COPY OF CIRCULAR NO. 28/2013 ISSUED BY THE STATE POLICE CHIEF DATED 20.11.2013
- Exhibit P3 A TRUE COPY OF THE ORDER DATED 28.11.2023 ISSUED BY RESPONDENT NO. 5 IN NO.E(2)7222/2023/ S.C.E.C
- Exhibit P4 A TRUE COPY OF THE UNDATED REQUEST MADE BY THE PETITIONER SOCIETY BEFORE RESPONDENT NO. 6
- Exhibit P5 A TRUE COPY OF UNDATED COMPLAINT MADE BY PETITIONER BEFORE RESPONDENT NO. 3
- Exhibit P6 A TRUE COPY OF THE ACKNOWLEDGMENT CARD ISSUED BY THE RESPONDENT NO.3 DATED 21.12.2023
- Exhibit P7 A TRUE COPY OF UNDATED COMPLAINT DATED 27.12.2023 MADE BY PETITIONER BEFORE RESPONDENT NO. 4
- Exhibit P8 A TRUE COPY OF THE RESOLUTIONS NO. 1 OF THE PETITIONER SOCIETY DATED 27.12.2023
- Exhibit P9 A TRUE COPY OF THE RESOLUTIONS NO. 3 OF THE PETITIONER SOCIETY DATED 27.12.2023
- Exhibit P10 TRUE COPY OF THE JUDGMENT DATED 04.09.2023 PASSED BY THIS HON'BLE COURT IN WP(C) 29121/2023