

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 9TH DAY OF FEBRUARY 2017/20TH MAGHA 1938

WP(C).No. 3603 of 2017 (A)

PETITIONER(S):

M/S.MOOLATHARA KSHEEROLPATHAKA
CO-OPERATIVE SOCIETY LTD.,
(KP-65(D) APCOS, MEENAKSIPURAM P.O,
CHITTUR TALUK, PALAKKAD DISTRICT- 678 533
REP. BY ITS PRESIDENT,
E.SACHIDANANDAGOPALAKRISHNAN

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

RESPONDENT(S):

1. DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT,
CIVIL STATION, PALAKKAD- 678 001
2. DAIRY EXTENSION OFFICER,
NATTUKAL P.O. CHITTUR TALUK,
PALAKKD DIST- 678 101
3. MR. R. KRISHNASWAMY
S/O C. RAKKIAPPA GOUNDER,
KARUPPATTI THURAI, MEENAKSHIPURAM,
PALAKKD DIST- 678 533
4. MR.R.SUBRAMANIAN
S/O C.RAKKIAPPA GOUNDER,
KARUPPATTI THURAI, MEENAKSHIPURAM,
PALAKKD DIST- 678 533
5. MR.N.MARAGATHAM
SRAMBI, MEENAKSHIPURAM,
PALAKKAD DIST- 678 533

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6. MR.MUTHUKUMAR,
S/O CHINNAPPA GOUNDER,
VALAKKUPARA KADU, MEENKSHIPURAM,
PALAKKAD DIST- 678 533
7. MR. MUTHUCHAMY
S/O PALANI GOUNDER, SRAMBI,
MEENAKSHIPURAM, PALAKKD DIST- 678 533
8. MR.VELUCHAMY
KUZHANDAVELU GOUNDER, CHORUTTUTHURA KADU,
MEENAKSHIPURAM, PALAKKAD DIST- 678 533

R1 BY SPECIAL GOVERNMENT PLEADER P.N.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

SKG

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE COMPLAINT DATED 28-08-2014
SUBMITTED BY THE RESPONDENT 3 AND 6 OTHERS

EXHIBIT P2 TRUE COPY OF THE JUDGMENT MADE IN WPC NO.645/2015
DATED 08-01-2015

EXHIBITP3 TRUE COPY OF THE STATEMENT DATED 07-03-2015
FURNISHED BY THE SECRETARY OF THE PETITIONER
SOCIETY

EXHIBIT P4 TRUE COPY OF THE ORDER DATED 08-03-2015 PASSED BY
THE 1ST RESPONDENT

EXHIBIT P5 TRUE COPY OF THE ORDER DATED 20-01-2016 ISSUED BY
THE 1ST RESPONDENT IN THE NAME OF THE PETITIONER

EXHIBIT P6 TRUE COPY OF THE REQUEST DATED 03-02-2016 SENT B
THE PETITIONER SOCIETY TO THE 1ST RESPONDENT

EXHIBIT P7 TRUE COPY OF THE JUDGMENT DATED 26-08-2016 PASSED
BY THIS HON'BLE COURT

EXHIBIT P8 TRUE COPY OF THE COMMUNICATION DATED 07-12-2016
SENT BY 1ST RESPONDENT ADDRESSED TO THE
PETITIONER'S SOCIETY

EXHIBIT P9 TRUE COPY OF THE COMMUNICATION DATED 02-01-2017
SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT
THROUGH THE 2ND RESPONDENT

EXHIBITP10 TRUE COPY OF THE MINUTES OF THE MEETING HELD ON
31-12-20167 SENT TO THE 1ST RESPONDENT ON
02-01-2017

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

P.S. TO JUDGE

SKG

P.B.SURESH KUMAR, J.

W.P.(C).No.3603 of 2017

Dated this the 9th day of February, 2017

J U D G M E N T

Ext.P8 communication issued to the petitioner by the first respondent is under challenge in this writ petition. The petitioner is a Co-operative Society. As per Ext.P8 communication, the first respondent has informed the petitioner that if the petitioner does not comply with the earlier direction issued to them as referred to therein, action will be taken against them under Section 32 of the Kerala Co-operative Societies Act ('the Act'). The specific case of the petitioner is that they have complied with the earlier direction issued by the first respondent as referred to in Ext.P8 communication. There is absolutely nothing in

Ext.P8 communication for the petitioner to be aggrieved. Ext.P8 is not a notice issued by the first respondent under Section 32 of the Act. It is only a communication informing that action will be initiated against the petitioner if the direction referred to therein has not been complied with. The proceedings under Section 32 of the Act is yet to be commenced. If the petitioner had already complied with the earlier direction issued by the first respondent, there is no question of any action under Section 32 of the Act. Be that as it may, in so far as Ext.P8 notice has been issued to the petitioner, the writ petition is disposed of directing that proceedings under Section 32 of the Act shall not be initiated against the petitioner without serving notice provided for under Section 32(1) of the Act.

Sd/-
P.B.SURESH KUMAR
JUDGE