

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 30TH DAY OF DECEMBER 2016/9TH POUSHA, 1938

WP(C).NO.41218 OF 2016 (B)

PETITIONER(S) :

M/S. POTHANICAD FARMERS' COOPERATIVE BANK LTD NO.3510,
POTHANICAD, KOTHAMANGALAM, ERNAKULAM DISTRICT,
PINCODE-686 671, REPRESENTED BY ITS PRESIDENT,
M.M.MATHAI, S/O.MATHAI, AGED 61 YEARS.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN

RESPONDENT(S) :

1. STATE CHIEF ELECTION COMMISSIONER (COOPERATIVE SOCIETIES),
TRIVANDRUM-695 101.
2. ELECTORAL OFFICER/ASSISTANT REGISTRAR GENERAL,
KOTHAMANGALAM CIRCLE, PINCODE-686 691.
3. RETURNING OFFICER,
KOTHAMANGALAM UNIT INSPECTOR,
COOPERATIVE SOCIETIES ASSISTANT REGISTRAR'S OFFICE,
KOTHAMANGALAM, PINCODE-686 691.

BY SENIOR GOVERNMENT PLEADER SMT.C.S.SHEEJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-12-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).41218/2016(B)

APPENDIX

PETITIONER(S) ' EXHIBITS:

- P1: COPY OF ELECTION NOTIFICATION PUBLISHED BY THE STATE CHIEF ELECTION COMMISSIONER (COOPERATIVES) DATED 29.11.2016.
- P2: COPY OF IDENTITY CARD ISSUED TO ARYA BY THE POTHANICAD FARMER'S COOPERATIVE BANK LTD.
- P3: COPY ELECTION IDENTITY CARD ISSUED TO ARYA BY THE ELECTION COMMISSION.
- P4: COPY OF INTERIM ORDER DATED 13.12.2016 PASSED BY THIS HONORABLE COURT IN WP[C]NO.39540/2016.

RESPONDENT(S) ' EXHIBITS:-NIL

KRJ

/TRUE COPY/

P.A. TO JUDGE

DEVAN RAMACHANDRAN, J

W.P(C) No.41218 of 2016

Dated this the 30th day of December, 2016

JUDGMENT

The petitioner is aggrieved by the fact that for an ensuing election, the concerned authorities had demanded that the candidates present themselves with the identity cards along with that has been issued by the co-operative society under Form 6A of the Co-operative Societies Act. Their apprehension is that if the documents that are now sought to be presented by the voters are not in conformity with the Form 6A identity cards, they would be found dis-entitled to cast their votes in the election.

2. I heard Sri.P.Ramakrishnan, the learned counsel for the petitioner and the learned Senior Government Pleader appearing on behalf of the respondents.

3. It is ineluctable from the provisions of the statute that Form 6A identity cards are issued as a primary mode of identifying the members of the society. Any other mode with respect to other identity cards, as are enumerated in Exhibit P1, would only be for the purpose of corroboration and to confirm the identity of the persons presenting themselves with Form 6A identity card. This

being the situation, I am of the view that if the voters, including the petitioner, present themselves for voting with Form 6A identity card, they shall be allowed to cast their votes and if there is any doubt as to whether the identity, as shown in Form 6A, requires a corroboration, the competent authority will be entitled to insist on any of the other cards, as are enumerated in Exhibit P1. I make it clear that the cards that are mentioned in Exhibit P1 shall only be used for the purpose of corroboration and verification of the identity, and nothing else and that Form 6A identity card would required to be given primacy for the purpose of allowing the voters to cast their votes.

4. The directions issued herein are also fortified and in consonance with the directions contained in the judgment of this Court dated 21.12.2016 in W.P(C) No.40432 of 2016, wherein a similar factual situation was earlier considered.

With the above, no further orders are required. Writ petition is ordered as above.

Sd/-
Devan Ramachandran, Judge