

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942

WP (C) . No. 28282 OF 2020 (I)

PETITIONERS:

- 1 VEERAPUTHRAN.S, AGED 54 YEARS
S/O. SUBRAMANIAN, SCIENTIST B, ECONOMIC
RESEARCH DIVISION, RRII, RUBBER BOARD P.O,
KOTTAYAM-686 009, RESIDING AT QTR NO.4/6, RRII
CAMPUS, RUBBER BOARD P.O, KOTTAYAM-686 009
- 2 BOBAN MATHAI, AGED 60 YEARS, S/O. K.J. MATHAI,
RESIDING AT KUTHIRAVELIL HOUSE, NEAR BISHOP
HOUSE, CHANGANACHERRY P.O, KOTTAYAM-686 101
- 3 M. SREELATHA, AGED 62 YEARS
W/O. K.S. VENUGOPAL, RESIDING AT KUNNATHU
HOUSE, THIRUNAKKARA NORTH, KOTTAYAM-686 001
- 4 RAVEENDRAN NAIR P.V, S/O. BHASKARAN PILLAI L
AGED 62 YEARS, RESIDING AT REVATHY, RUBI NAGAR,
MANGALAM P.O, KOTTAYAM-686 018
- 5 M.N. OMANAKUMAR, AGED 61 YEARS
S/O. V.N. NARAYANA PILLAI, RESIDING AT
CHAITHANYA, PILAPUZHA, HARIPAD-690514

BY ADV. SRI. P.R. JAYAKRISHNAN

RESPONDENTS:

* 1 [STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
COLLECTORATE P.O, KOTTAYAM-686 002]
(CORRECTED)
DESCRIPTION OF THE 1ST RESPONDENT IS SUO MOTU
CORRECTED AS
"STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-
695 001"
AS PER ORDER DATED 29/01/21 IN WP (C) 28282/20

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- 2 THE INSPECTOR GENERAL,
DEPARTMENT OF REGISTRATION, VANCHIYUR P.O,
THIRUVANANTHAPURAM-695 035.
- 3 THE DISTRICT REGISTRAR,
DEPARTMENT OF REGISTRATION, CIVIL STATION,
COLLECTORATE P.O, KOTTAYAM-686 002
- 4 THE SUB REGISTRAR,
O/O. SUB REGISTRAR ADDITIONAL, MUTTAMBALAM
P.O, KOTTAYAM-686 004
- 5 THE JOINT REGISTRAR (GENERAL) ,
DEPARTMENT OF CO-OPERATION, CIVIL STATION,
COLLECTORATE P.O, KOTTAYAM-686 002
- * 6 [THE SECRETARY,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001]
(CORRECTED)
DESCRIPTION OF R6 IS SUO MOTU CORRECTED AS
"DISTRICT COLELCTOR, COLLECTORATE P.O,
KOTTAYAM - 686 002"
AS PER ORDER DATED 29/01/21 IN WP(C) 28282/20
- 7 THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION BUREAU, EASTERN
RANGE, COLLECTORATE P.O, KOTTAYAM-686 002
- 8 RUBBER BOARD EMPLOYEES HOUSING CO-OPERATIVE
SOCIETY LTD, (REG. NO. K. NO. 4377),
REPRESENTED BY ITS SECRETARY, RUBBER RESEARCH
INSTITUTE OF INDIA, RUBBER BOARD P.O,
KOTTAYAM-686 009
- 9 THE PRESIDENT,
RUBBER BOARD EMPLOYEES HOUSING CO-OPERATIVE
SOCIETY LTD. (REG. NO. K 4377), RUBBER
RESEARCH INSTITUTE OF INDIA, RUBBER BOARD
P.O, KOTTAYAM-686 009
- 10 PIUSMON A.K,
SECRETARY, EMPLOYEES HOUSING CO-OPERATIVE
SOCIETY, RESIDING AT RUBBER BOARD HOUSING
COLONY, RUBBER BOARD P.O, KOTTAYAM-686 009

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11 SAJEEVE K.P,
PRESIDENT, EMPLOYEES HOUSING CO-OPERATIVE
SOCIETY, RESIDING AT KAICHIRA HOUSE, RUBBER
BOARD HOUSING COLONY, RUBBER BOARD P.O,
KOTTAYAM-686 009

12 THE PATRON,
RUBBER BOARD HOUSING CO-OPERATIVE HOUSING
SOCIETY LTD, RUBBER BOARD P.O, KOTTAYAM-686
009

13 THE RUBBER BOARD ,
REPRESENTED BY THE SECRETARY, RUBBER BOARD,
COLLECTORATE P.O, KOTTAYAM-686 002

14 THE CHAIRMAN AND EXECUTIVE DIRECTOR,
RUBBER BOARD, COLLECTORATE P.O, KOTTAYAM-686
002

R1 TO 7 BY SMT A.C.VIDHYA- GOVERNMENT PLEADER
R8-9 BY ADV. SRI.LIJI.J.VADAKEDOM
R13-14 BY ADV. SRI.V.ABRAHAM MARKOS
R13-14 BY ADV. SRI.ABRAHAM JOSEPH MARKOS
R13-14 BY ADV. SRI.ISAAC THOMAS
R13-14 BY ADV. SRI.P.G.CHANDAPILLAI ABRAHAM
R13-14 BY ADV. SHRI.ALEXANDER JOSEPH MARKOS
R13-14 BY ADV. SHRI.SHARAD JOSEPH KODANTHARA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.01.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners, who are members of the 8th respondent Housing Co-operative Society, have filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the 6th respondent Secretary, Department of Co-operation to dispose of Ext.P16 appeal filed under Section 83 of the Kerala Co-operative Societies Act, 1969 against Exts.P20 and P21 orders dated 25.02.2020 and 27.02.2020 respectively, issued by the 5th respondent Joint Registrar. The petitioners have also sought for other consequential reliefs.

2. On 17.12.2020, when this writ petition came up for admission, this Court issued notice before admission to the respondents. The learned Government Pleader took notice for respondents 1 to 7 and the learned Standing Counsel took notice for respondents 13 and 14. Notice by speed post was ordered to respondents 8 to 12.

3. On 08.01.2021, when the writ petition came up for consideration, this Court directed the petitioners to place on record the orders dated 25.02.2020 and 27.02.2020 of the Joint Registrar of Co-operative Societies, which are impugned

in Ext.P16 appeal. The learned Government Pleader was directed to get instructions as to the present status of Ext.P16 appeal.

4. Heard the learned counsel for the petitioner, the learned Government Pleader for respondents 1 to 7, the learned counsel for respondents 8, 9, 11 and 12 also the learned Standing Counsel for respondents 13 and 14.

5. Service of notice is not complete on the 10th respondent, who is the erstwhile Secretary of the 8th respondent Society. Considering the nature of relief proposed to be granted, service of notice on the 10th respondent is dispensed with.

6. The learned counsel for the petitioners confine the relief sought for in this writ petition as one directing the 1st respondent State to consider and pass appropriate orders on Ext.P16 appeal, within a time frame to be specified by this Court.

7. The learned counsel for respondents 8 and 9 would submit that the said respondents may be permitted to raise appropriate legal and factual contentions before the 1st respondent at the time of consideration of Ext.P16 appeal.

Having considered the submissions made by the learned counsel on both sides, this writ petition is disposed of directing the 1st respondent State to consider Ext.P16 appeal filed by the petitioners and pass appropriate orders thereon, after advertizing to the legal and factual contentions raised by both sides, with notice to the petitioners and other affected parties including respondents 8 and 9 and after affording them an opportunity of hearing, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a certified copy of this judgment.

Sd/-

ANIL K.NARENDRAN, JUDGE

AV/01/02

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF NOTICE DATED 12.09.2014 ISSUED JOINTLY BY 8TH AND 9TH RESPONDENTS .

EXHIBIT P2 TRUE COPY OF EMAIL COMMUNICATION DATED 09.10.2014 ISSUED BY 8TH RESPONDENT .

EXHIBIT P3 TRUE COPY OF THE E-MAIL COMMUNICATION DATED 30.10.2014 ISSUED JOINTLY BY THE 8TH AND 9TH RESPONDENTS .

EXHIBIT P4 TRUE COPY OF E-MAIL COMMUNICATION DATED 28.11.2014 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P5 TRUE COPY OF E-MAIL COMMUNICATION DATED 22.1.2015 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P6 TRUE COPY OF E-MAIL COMMUNICATION DATED 14.04.2015 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P7 TRUE COPY OF E-MAIL COMMUNICATION DATED 22.03.2107 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P8 TRUE COPY OF E-MAIL COMMUNICATION DATED 28.02.2017 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P9 TRUE COPY OF E-MAIL COMMUNICATION DATED 22.02.2018 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P10 TRUE COPY OF E-MAIL COMMUNICATION DATED 27.11.2019 ISSUED BY THE 8TH RESPONDENT .

EXHIBIT P11 TRUE COPY OF SKETCH ISSUED BY 8TH RESPONDENT SOCIETY .

EXHIBIT P12 TRUE COPY OF ORDER NO.
C3/3365/2016/D. IS DATED 01.09.2016
ISSUED BY SENIOR PLANNER , O/O THE
CHIEF TOWN PLANNING DEPARTMENT,
THIRUVANANTHAPURAM.

EXHIBIT P13 TRUE COPY OF THE E MAIL COMMUNICATION
DATED 23.11.2020 ISSUED BY 8TH
RESPONDENT TO 5 CENT PLOT OWNERS.

EXHIBIT P14 TRUE COPY OF THE E MAIL COMMUNICATION
DATED 23.11.2020 ISSUED BY 8TH
RESPONDENT TO 7 CENT PLOT OWNERS.

EXHIBIT P15 TRUE COPY OF THE E MAIL COMMUNICATION
DATED 23.11.2020 ISSUED BY 8TH
RESPONDENT TO 10 CENT PLOT OWNERS.

EXHIBIT P16 AMENDED APPEAL DATED 07.12.2020
PREFERRED BEFORE THE 6TH RESPONDENT.

EXHIBIT P17 REPRESENTATION DATED 01.12.2020
PREFERRED BEFORE THE 1ST RESPONDENT.

EXHIBIT P18 REPRESENTATION DATED 01.12.2020
PREFERRED BEFORE THE 2ND RESPONDENT.

EXHIBIT P19 LETTER NO. JRGKTM/440/2020-HM DATED
02.11.2020 ISSUED BY THE 5TH
RESPONDENT TO 14TH RESPONDENT.

EXHIBIT P20 TRUE COPY OF ORDER NO.HM/440/2020
DATED 25/02/2020 ISSUED BY 5TH
RESPONDENT.

EXHIBIT P21 TRUE COPY OF ORDER NO.HM/440/2020
DATED 27/02/2020 ISSUED BY THE 5TH
RESPONDENT.

EXHIBIT P22 TRUE COPY OF ORDER NO.PS.2/159/2020-
CO-OP DATED 27/07/2020 ISSUED BY 6TH
RESPONDENT.