

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE T.R. RAVI

FRIDAY, THE 24<sup>th</sup> DAY OF APRIL, 2020 /4<sup>th</sup> VAISAKHA, 1942

W.A. TMP. NO.1 OF 2020

*(Against the judgment of the learned Single Judge in W.P. (C) No. 38050 of 2020 dated 06.03.2020.)*

**Appellants/ Petitioners: -**

1. The Thuruthippuram Service Co-operative Bank Ltd. No. 1789, Thuruthippuram P.O., Ernakulam District, PIN Code; - 680 667, *Represented by its Secretary.*
2. The Managing Committee, The Thuruthippuram Service Co-operative Bank Ltd. No. 1789, Thuruthippuram P.O., Ernakulam District, PIN Code; - 680 667, *Represented by its President.*

By Advs. George Poonthottam (Sr.)

Arun Chandran

Nisha George

**Respondents/ Respondents: -**

1. The Joint Registrar of Co-operative Societies (General), Office of the Joint Registrar of Co- operative Societies, Kakkanad, Ernakulam District - 682030.
2. The Assistant Registrar of Co-operative Societies (General), *(The Inquiry Officer appointed to conduct the inquiry),*

Office of the Joint Registrar of Co-operative Societies,  
Aluva, Ernakulam District, PIN Code: - 683101.

3. Joseph P.O.,  
S/o Ouseph, Panackal House,  
Thuruthoor, Puthenvelikkara P.O.,  
Ernakulam District, PIN Code: - 683594.

BY SHRI P.P.THAJUDHEEN, SR.GP

**THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 24/04/2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-**

**ORDER**

Devan Ramachandran, J.

We have heard Shri Arun Chandran, learned counsel for the appellant; and we are of the view that a prima facie case has been made out warranting admission of this writ appeal.

2. This appeal is thus admitted. Shri P.P.Thajudheen, learned Senior Government Pleader, takes notice on behalf of respondents 1 and 2. The petitioner shall take out notice by speed post to respondent No.3 returnable within 15 days.

3. Since Shri Arun Chandran is vehement in his submissions that the impugned judgment, issued by the learned Single Judge, does not advert to the binding judgment in **Melukkara Service Co-operative Bank Ltd. No.PT 152 and Another v. Joint Registrar (General), District Co-operative Society [2018 (2) KHC 143]**, we deem it appropriate that this issue be considered by this Court in detail.

4. We, therefore, order respondents 1 and 2 to defer all further action based on the proceedings initiated by them under section 65 of the Kerala Co-operative Societies Act, 1969 for a period of one month.

List this matter for further consideration on 12/5/2020,

**DEVAN RAMACHANDRAN  
JUDGE**

**T.R.RAVI,  
JUDGE**

ms/dsn