

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP. NO.292 OF 2020

PETITIONERS :-

1. N.VISWANATHAN NAIR, SHISHIRAM, MUDAPURAM P.O,  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695314.
2. J.SHASHI, PUTHANVEEDU, KUNTHALLUR  
CHIRIYANKEEZH ,THIRUVANANTHAPURAM - 695304.
3. ANI S, AMBARAMBIL VEEDU KUNTHALLUR  
CHIRIYANKEEZH ,THIRUVANANTHAPURAM - 695304.
4. SATHI.S, SATHI MANDIRAM, PURAVUR KUNTHALLUR  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695304.
5. S.BIJUKUMAR, M.V.HOUSE, MUDAPURAM P.O,  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695314.
6. SUDEVAN N, KUNNATHKAAD VEEDU, MUDAPURAM P.O,  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695314.
7. USHAKUMARI, KOTTARATHIL VEEDU, MUDAPURAM P.O,  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695314.
8. REKHA VR, VILLAYIL VEEDU, KURAKKADA P.O,  
THIRUVANANTHAPURAM - 695104.
9. SALIM . M, POOMANGALAM VEEDU, PARAYATHUKONAM P.O,  
KIZHUVILAM, THIRUVANANTHAPURAM - 695104.
10. A CHANDRASEKHARAN NAIR, CHINIVILA PUTHANVEEDU,  
KADUVAYIL, KIZHUVILA, THIRUVANANTHAPURAM - 695104.
11. THAHA AR, MANALUVILA, MUDAPURAM,  
CHIRIYANKEEZH, THIRUVANANTHAPURAM - 695314.
12. JAYANTHI S.R, KARTHIKA BHAVAN, KADUVAYIL,  
ATTINGAL, THIRUVANANTHAPURAM - 695101.

BY ADVS.T.R.HARIKUMAR  
ARJUN RAGHAVAN

RESPONDENTS :-

1. THE UNIT INSPECTOR, ATTINGAL,  
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE  
SOCIETIES (GENERAL), CHIRAYINKEEZH,  
THIRUVANANTHAPURAM, PIN-695 604.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES  
(GENERAL), THIRUVANANTHAPURAM, PIN-695 001.
3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,  
THIRUVANANTHAPURAM, PIN-695 001.
4. KIZHUVILAM SERVICE CO-OPERATIVE BANK  
REPRESENTED BY SECRETARY MUDAPURAM P.O,  
CHIRAYINKEEZH, THIRUVANANTHAPURAM DISTRICT-695 304.
5. P.AZEEZ, MASSTANVILLA VEEDU, MUDAPURAM P.O,  
CHIRAYINKEEZHU, THIRUVANANTHAPURAM-695 304.
6. ALEN.S (MEMBERSHIP NO.12859),  
AGED 39 YEARS, S/O.SAHADEVAN,KOCHUVEEDU,  
KOONTHALLOOR, MUDAPURAM P.O, CHIRAYINKEEZH,  
THIRUVANANTHAPURAM-695 304.

R1 TO R3 BY SMT.K.P. HARISH, GP

R5 AND R6 BY ADV.P.K.MANOJ KUMAR

THIS WRIT PETITION (CIVIL) TMP HAVING COME UP FOR ORDERS  
ON 05.05.2020, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING :

**BECHU KURIAN THOMAS**

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W.P (C) TMP No.292 of 2020  
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Dated this the 05<sup>th</sup> day of May, 2020

**ORDER**

Admit.

The learned Government Pleader takes notice on behalf of respondents 1 to 3. Adv.P.K. Manoj Kumar takes notice on behalf of respondents 5 and 6. Notice by the speed post to the 4<sup>th</sup> respondent. In the meantime, inasmuch as the directions in Ext.P16 seems to have not been considered while issuing Ext.P21. I stay Ext.P21 until further orders.

Post on 04.06.2020.

**BECHU KURIAN THOMAS  
JUDGE**

APPENDIX

PETITIONERS' EXHIBITS :-

- EXHIBIT-P1 : A TRUE COPY OF THE ORDER NO.CRP(2)11448/2015 DATED 30-03-2016 ISSUED BY THE 2<sup>ND</sup> RESPONDENT.
- EXHIBIT-P2 : A TRUE COPY OF THE ORDER NO.CRP(2)11448/2015 DATED 24-09-2016 ISSUED BY THE 2<sup>ND</sup> RESPONDENT.
- EXHIBIT-P3 : A TRUE COPY OF THE ORDER NO.CRP(2)11448/2015 DATED 05-10-2016 ISSUED BY THE 2<sup>ND</sup> RESPONDENT.
- EXHIBIT-P4 : A TRUE COPY OF THE ORDER NO.CRP(2)11448/2015 DATED 03-11-2016 ISSUED BY THE 2<sup>ND</sup> RESPONDENT.
- EXHIBIT-P5 : A TRUE COPY OF THE NOTICE NO.CRP(2)11448/2015 DATED 08-12-2017 ISSUED BY THE 2<sup>ND</sup> RESPONDENT.
- EXHIBIT-P6 : A TRUE COPY OF THE SECTION 66 INSPECTION REPORT DATED 15-02-2017.
- EXHIBIT-P7 : A TRUE COPY OF THE EXPLANATION FILED BY THE PETITIONER BEFORE THE 2<sup>ND</sup> RESPONDENT DATED 17-12-2017.
- EXHIBIT-P8 : A TRUE COPY OF THE JUDGMENT DATED 16-01-2019 IN WP(C) NO.41332 OF 2017.
- EXHIBIT-P9 : A TRUE COPY OF THE REFERENCE ORDER DATED 14-08-2018 IN WA NO.1554/2017
- EXHIBIT-P10 : A TRUE COPY OF THE INTERIM ORDER DATED 04-02-2019 IN WA NO.237/2019.
- EXHIBIT-P11 : A TRUE COPY OF THE JUDGEMENT DATED 25-07-2019 IN WA NO.237/2019.
- EXHIBIT-P12 : A TRUE COPY OF THE ADDITIONAL EXPLANATION DATED 09-08-2019 ALONG WITH THE COUNTER AFFIDAVIT FILED BY THE 2<sup>ND</sup> RESPONDENT IN WP(C) NO.41332 OF 2017.
- EXHIBIT-P13 : A TRUE COPY OF THE JUDGEMENT DATED 04/09/2019 IN WP(C) NO.23389 OF 2019

- EXHIBIT-P14 : A TRUE COPY OF THE JUDGEMENT DATED 16/10/2019  
IN WP(C) NO.25808 OF 2019.
- EXHIBIT-P15 : A TRUE COPY OF THE ORDER NO.CRP(2)11448/15  
DATED 04/11/2019 PASSED UNDER SECTION 68(1) .
- EXHIBIT-P16 : A TRUE COPY OF THE JUDGEMENT DATED 6/01/2020 IN  
WP(C) NO.31026 OF 2019.
- EXHIBIT-P17 : A TRUE COPY OF THE ORDER DATED 20-02-2020 IN IA  
2/2020 IN WP(C) NO.31026 OF 2019.
- EXHIBIT-P18 : A TRUE COPY OF THE SHOW-CAUSE NOTICE ISSUED BY  
THE 2<sup>ND</sup> RESPONDENT DATED 13-03-2020 BEARING  
NUMBER CRP11448/15
- EXHIBIT-P19 : A TRUE COPY OF THE FACTUAL EXPLANATIONS OFFERED  
BY THE PETITIONERS BEFORE THE 2<sup>ND</sup> RESPONDENT IN  
REPLY TO EXT-P18.
- EXHIBIT-P20 : A TRUE COPY OF THE LEGAL CONTENTIONS SUBMITTED  
BY THE PETITIONERS BEFORE THE 2<sup>ND</sup> RESPONDENT IN  
REPLY TO EXT-P18.
- EXHIBIT-P21 : A TRUE COPY OF THE SURCHARGE ORDER UNDER  
SECTION 68(2) ISSUED BY THE 2<sup>ND</sup> RESPONDENT DATED  
27-03-2020 BEARING NUMBER CRP 11448/15.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY//

P..S. TO JUDGE