

L.Sudharsanan Vs. East Kallada Milk Producers Co-operative Society

L.Sudharsanan Vs. East Kallada Milk Producers Co-operative Society

SooperKanoon Citation : sooperkanoon.com/1136856

Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : L.Sudharsanan

Respondent : East Kallada Milk Producers Co-operative Society

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 WP(C).No. 9448 of 2014 (E)

----- PETITIONER(S): -----

L.SUDHARSANAN, AGED 47 YEARS, S/O LAKSHMAN, SUDARSANA BHAVAN, THEKKEMURI, EAST KALLADA (PO), KOLLAM DISTRICT. BY ADV. SRI.R.REJI
RESPONDENT(S): ----- 1. EAST KALLADA MILK PRODUCERS CO-OPERATIVE SOCIETY NO.Q2(D) APCOS, CHITTUMALA, EAST KALLADA (PO), KOLLAM, KOLLAM DISTRICT, REPRESENTED BY ITS PRESIDENT PIN:691 502.

2. THE PRESIDENT, EAST KALLADA MILK PRODUCERS CO-OPERATIVE SOCIETY NO.Q23D) APCOS, CHITTUMALA, EAST KALLADA (PO), KOLLAM, KOLLAM DISTRICT, PIN:691 502.

3. THE DEPUTY DIRECTOR, DIARY DEVELOPMENT, MINI CIVIL STATION, KOLLAM-691 001.

4. DIARY EXTENSION OFFICER, DIARY EXTENSION SERVICE UNIT, CHERUMOOD, KUNDARA, KOLLAM DISTRICT, PIN:691 501.

5. THASILDAR (REVENUE RECOVERY), COLLECTORATE, KOLLAM, KOLLAM DISTRICT, PIN:690 001.

6. THE VILLAGE OFFICER, EAST KALLADA VILLAGE OFFICE, EAST KALLADA (PO), KOLLAM DISTRICT, PIN:691 502. R3-6 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 0204-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: PJ WP(C).No. 9448 of 2014 (E) -----
APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1: TRUE COPY OF THE AWARD OF THE 4th RESPONDENT. EXHIBIT P2: TRUE COPY OF THE APPEAL NO.36/2014 FILED BY THE PETITIONER BEFORE THE HONOURABLE CO-OPERATIVE TRIBUNAL. EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 47.2.2013 ISSUED BY THE 5th RESPONDENT UNDER SECTION 7 OF THE REVENUE RECOVERY ACT. EXHIBIT P4: TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 5th RESPONDENT UNDER SECTION 34 OF THE REVENUE RECOVERY ACT. EXHIBIT P5: TRUE COPY OF THE

ORDER

NO.D4 2733/ DATED UNDER SECTION 36 OF THE REVENUE RECOVERY ACT. RESPONDENT(S)' EXHIBITS ----- NIL. / TRUE COPY / P.S. TO JUDGE PJ K. SURENDRA MOHAN,J ----- W.P(C) NO. 9448 OF 2014----- Dated this the 2nd April, 2014.

JUDGMENT

The petitioner while working as the Secretary of the Dairy Development Co-operative Society, East Kallada is alleged to have misappropriated money. A claim was filed before the Arbitrator for recovery of the amounts and an award has been passed against the petitioner. The petitioner has challenged the same in Ext.P2

appeal No:36/2014 before the Co- operative Tribunal at Thiruvananthapuram. The petitioner complains that during the pendency of the said appeal, proceedings have been initiated against him under the Revenue Recovery Act by Exts.P3 and P4. He therefore seeks the issue of appropriate directions for keeping the said proceedings in abeyance until his appeal is finally disposed of. The Govt. Pleader appears for respondents 5 and 6. According to the Govt. Pleader, the petitioner is a person from WPC94482014 2 whom, a large amount is due to the first respondent. Therefore, an interim order may be granted only on payment of a portion of the amount. In the nature of the relief that I propose to grant, I do not consider it necessary to issue notice to the other respondents.

2. Since the entire issue is pending consideration of the Co-operative Tribunal in Ext.P2, it is only appropriate that the Tribunal considers the appeal and finally disposes of the same, without delay. This writ petition is therefore disposed of directing the Co-operative Tribunal, Thiruvananthapuram to take up appeal No:

36. 2014, to consider the contentions of the petitioner and to finally dispose of the same in accordance with law, as expeditiously as possible and at any rate within a period of two months of the date of receipt of a copy of this judgment. In the meantime, all further proceedings based on or pursuant to Exts.P3 and P4 shall be kept in abeyance on condition that WPC94482014 3 the petitioner pays an amount of Rs.50,000/- (Rupees fifty thousand only) to the first respondent. Sd/- K. SURENDRA MOHAN Judge jj /True copy/ WPC94482014 4

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com