

Jolly K.a Vs. the Aroor Central Service Co-operative Bank Ltd. No.617

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SooperKanoon Citation : sooperkanoon.com/1155308

Court : Kerala

Decided On : Jul-08-2014

Judge : Honourable Mr.Justice K.M.Joseph

Appellant : Jolly K.a

Respondent : The Aroor Central Service Co-operative Bank Ltd. No.617

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.M.JOSEPH & THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR TUESDAY, THE 8TH DAY OF JULY 2014 17TH ASHADHA, 1936 WP(C).No. 17339 of 2014 (N)

----- PETITIONER(S): ----- JOLLY K.A, S/O.AUGUSTINE, KATTIKATTU HOUSE, AROOR P.O, ALAPUZHA DISTRICT. BY ADVS.SRI.V.G.ARUN SRI.T.R.HARIKUMAR RESPONDENT(S):

----- 1. THE AROOR CENTRAL SERVICE CO-OPERATIVE BANK LTD. NO.617 REPRESENTED BY ITS SECRETARY, AROOR P.O, ALAPUZHA DISTRICT - 688 534.

2. THE ELECTORAL OFFICER, AROOR CENTRAL SERVICE CO-OPERATIVE BANK LTD. NO.617, AROOR P.O., ALAPUZHA DISTRICT - 688 534. (ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHERTHALA) 3. THE RETURNING OFFICER, AROOR CENTRAL SERVICE CO-OPERATIVE BANK LTD. NO.617, AROOR P.O., ALAPUZHA DISTRICT - 688

534. (UNIT INSPECTOR, KUTHIATHODE UNIT, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHERTHALA).

4. THE SUB INSPECTOR OF POLICE, AROOR POLICE STATION, ALAPUZHA DISTRICT - 688 534.

5. THE CIRCLE INSPECTOR OF POLICE, KUTHIATHODU, ALAPUZHA DISTRICT - 688 534.

6. THE DISTRICT CHIEF, ALAPUZHA DISTRICT - 688 534. R4-6 BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-07-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 17339 of 2014 (N) APPENDIX PETITIONER'S EXHIBITS ----- EXT.P1 - COPY OF THE ELECTION NOTIFICATION PUBLISHED IN THE MATHRUBHUMI DAILY DATED 08.07.2014. EXT.P1(A) - COPY OF THE ENGLISH TRANSLATION OF EXT.P1. EXT.P2 - COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 05.07.2014. EXT.P2(A) - COPY OF THE ENGLISH TRANSLATION OF EXT.P2. EXT.P3 - COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT DATED 05.07.2014. EXT.P3(A) - COPY OF THE ENGLISH TRANSLATION OF EXT.P3. RESPONDENT'S EXHIBITS ----- NIL // TRUE COPY // P.A. TO JUDGE sou. K. M. JOSEPH & A.K.JAYASANKARAN NAMBIAR, JJ ----- W.P(C). No. 17339 of 2014 ----- Dated this the 8th day of July, 2014

JUDGMENT

K.M. Joseph, J Petitioner approached this court seeking police aid by taking necessary steps to ensure that non-members are not permitted inside the election venue during the course of election and that genuine voters are not forcibly prevented from casting their votes.

2. The case of the petitioner in brief is as follows: petitioner is a member of the first respondent co-operative society and is a contesting candidate. The election to the managing committee of the first respondent society is scheduled to be held on 13.7.2014. The election is conducted on political basis. There are two panels. It is his further case that this time there is a concerted effort by LDF to retain power.

3. We heard learned counsel for the petitioner and the learned State Attorney.

4. The learned State Attorney brings to our notice circular No.28/2013 dated 20.11.2013, which reads as follows : "Attention is drawn to the judgment dated 17.10.2013 of the Honourable High Court in WP (c) No.24603/2013. In the judgment, it was WP(c).17339/14 2 ordered that the Police would by themselves without any direction from any Court, ensure that the elections to Co-operative Societies in the State would be conducted smoothly without disturbances from any quarters. It is emphasized that the orders of the Honourable High Court must be followed in letter and spirit. In these circumstances, the following instruction are issued:

1. The Police should ensure that the elections to the managing committees of co-operative societies within their jurisdiction are conducted smoothly without any disturbances to the law and order.

2. On receiving information about any impending election, the concerned Station House Officer is to inquire with the Returning Officer as to whether or not he expects any disturbances in the election and if necessary provide such police assistance required to conduct the elections smoothly.

3. The District Police Chief will ensure that the orders of the High Court regarding the conduct of election to various co-operative societies are strictly complied with." He would submit that sufficient police force will be deployed to ensure fair conduct of election. Recording the said submission, we dispose of the Writ petition. Sd/- K. M. JOSEPH, JUDGE Sd/- A.K.JAYASANKARAN NAMBIAR, JUDGE. Sou. // True copy //