

N. Jerald Vs. the State Co-operative Election Commission

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Court : Kerala

Decided On : Oct-10-2014

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : N. Jerald

Respondent : The State Co-operative Election Commission

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN FRIDAY,THE10H DAY OF OCTOBER201418TH ASWINA, 1936 WP(C).No. 26351 of 2014 (T)
----- PETITIONER: ----- N. JERALD, AGED60YEARS, S/O NAMEES, THATHAPPILLA THOPE, THEKKEIKOLLAMCODE, POZHIOOR PO, THIRUVANANTHAPURAM - 695 513. BY ADVS.SMT.K.K.CHANDRALEKHA SMT.K.SHANTHI SRI.M.MOHAMMED RAPHY RESPONDENTS: ----- 1. THE STATE CO-OPERATIVE ELECTION COMMISSION, THIRUVANANTHAPURAM - 695 001.

2. THE ELECTORAL OFFICER (ASSISTANT REGISTRAR OF CO-OPERATIVE, NEYYATTINKARA) KULATHOOR SERVICE CO-OPERATIVE BANK LTD.NO.T.706, KULATHOOR, UCHAKADA PO, NEYYATTINKARA THIRUVANANTHAPURAM - 695 506.

3. THE RETURNING OFFICER, (INSPECTOR OF CO-OPERATIVE SOCIETIES (GENERAL) NEYYATTINKARA) KULATHOOR SERVICE CO-OPERATIVE BANK LTD.NO.T.706, KULATHOOR, UCHAKADA PO, NEYYATTINKARA, THIRUVANANTHAPURAM - 695 506.

4. THE DISTRICT POLICE CHIEF (RURAL), THIRUVANANTHAPURAM - 695001.

5. THE KULATHOOR SERVICE CO-OPERATIVE BANK LTD.NO.T.706, KULATHOOR, UCHAKADA PO, NEYYATTINKARA,, THIRUVANANTHAPURAM - 695 506, REPRESENTED BY ITS SECRETARY. R1-4 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.10.2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: PJ WP(C).No. 26351 of 2014 (T)

----- APPENDIX PETITIONER(S)' EXHIBITS

----- EXHIBIT P1 : TRUE COPY OF THE IDENTITY CARD

ISSUED IN THE NAME OF THE PETITIONER EXHIBIT P2 : TRUE COPY OF

THE ELECTION NOTIFICATION PUBLISHED BY THE RESPONDENT

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 06.10.2014

SUBMITTED BY THE PETITIONER RESPONDENT(S)' EXHIBITS

----- NIL. / TRUE COPY / P.S. TO JUDGE PJ K. VINOD

CHANDRAN, J - - - - - W.P(C) No. 26351 of 2014 - - - - -

- - - - - Dated the 10th day of October, 2014

JUDGMENT

The prayers in the writ petition relate to the elections to be conducted to the respondent Society on 19.10.2014. The petitioner apprehends polling by non members and violence in the ensuing elections. The petitioner also prays for videography in the election scheduled on 19.10.2014.

2. With respect to the first prayer regarding production of valid Identity cards and comparison of the same with Form VI B register, the Special Government Pleader (Co-operation) submits that there is no stipulation that every voter should be identified as against the Form VI B register. Definitely, exercise of franchise would

be permitted only on production of ID cards. Verification with VI B registers would have to be undertaken only when an objection is raised with respect to any particular voter. W.P(C) No.26351/2014 ::2::

3. With respect to the direction regarding deployment of police force, a Division Bench of this Court has already held that when elections to a Co-operative Society is scheduled, and there is apprehension of violence, on a request made by the authority of the Bank or by the authorities entrusted with the conduct of elections, necessarily police force has to be deployed to ensure peaceful conduct of elections. The 4th respondent shall hence, issue necessary directions to the concerned Station House Officer to comply with the afore cited directions.

4. The petitioner submits that he is willing to personally deposit the money required for the videography. If such deposit is made sufficiently early with the Returning Officer, the videography shall be conducted under the supervision of the Returning Officer and the Returning Officer shall retain the compact disc of the videography, unless called for by a competent court. It is made clear that W.P(C) No.26351/2014 ::3:: the expenses for videography shall not be debited to the account of the Society. The writ petition is disposed of. Sd/- (K. VINOD CHANDRAN, JUDGE) jma //true copy// P.A to Judge

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