

**Tomy Joseph vs Kerala State Co-Operative Election Commission
Represented by Its Secretary**

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Represented by Its Secretary**

SooperKanoon Citation : sooperkanoon.com/1385339

Court : Kerala

Decided On : Aug-23-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/28101/2023

Appellant : Tomy Joseph

Respondent : Kerala State Co-Operative Election Commission Represented by
Its Secretary

Judgement :

WP(C) NO. 28101 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 23RD DAY OF AUGUST 2023 / 1ST BHADRA,
1945 WP(C) NO. 28101 OF 2023 PETITIONER/S: 1 TOMY
JOSEPHAGED 59 YEARSS/O. P.I. JOSEPH PANTHALANICKAL
HOUSE, KOOVAPPALLY P.O., KOTTAYAM, PIN - 686518 2 C.J.
JOSEPHAGED 71 YEARSS/O. JOSEPH, CHACKALACKAL HOUSE,

KOOVAPPALLY P.O., KOTTAYAM,, PIN - 686518 BY
ADVS.LIJI.J.VADAKEDOMTOM E. JACOBREXY ELIZABETH
THOMASATHUL V. VADAKKEDOM RESPONDENT/S: 1 KERALA
STATE CO-OPERATIVE ELECTION COMMISSION REPRESENTED
BY ITS SECRETARYOFFICE OF THE KERALA CO- OPERATIVE
ELECTION COMMISSION, THIRUVANANTHAPURAM, PIN - 695001

2 ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES-KANJIRAPPALLY(ELECTORAL OFFICER FOR THE
ELECTION TO KOOVAPPALLY SERVICE CO-OPERATIVE BANK
LTD., NO. 3949), OFFICE OF THE ASSISTANT REGISTRAR
(GENERAL), KANJIRAPPALLY, PIN - 686507 3 UNIT INSPECTOR-
MUNDAKAYAM UNIT(RETURNING OFFICER FOR KOOVAPPALLY
SERVICE CO-OPERATIVE BANK LTD., NO. 3949), OFFICE OF THE
ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES -KANJIRAPPALLY, PIN - 4 CIRCLE INSPECTOR OF
POLICE- KANJIRAPPALLY,KANJIRAPPALLY POLICE STATION,
KANJIRAPPALLY, KOTTAYAM, PIN - 686507 5 SUB INSPECTOR OF
POLICE-KANJIRAPPALLY,KANJIRAPPALLY POLICE STATION,
KOTTAYAM, PIN - 686507 6 KOOVAPPALLY SERVICE CO-
OPERATIVE BANK REPRESENTED BY WP(C) NO. 28101 OF 2023 2
ITS SECRETARYOFFICE OF THE KOOVAPPALLY SERVICE CO-
OPERATIVE BANK LTD., NO. 3949, KOTTAYAM DISTRICT, PIN -
686518

BY ADVS.Shaji Thomas MOHAN PULIKKAL(K/64A/1985)JEN
JAISON(K/000208/2017) OTHER PRESENT: SRI. B.S.SYAMANTAK, GP,
SRI.C.M.NAZAR FOR R1 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.08.2023, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: WP(C) NO. 28101 OF 2023 3 P.V.KUNHIKRISHNAN, J
----- W.P.(C.) No. 28101 of 2023
----- Dated this the 23rd day of August, 2023

JUDGMENT

The above writ petition is filed with following prayers :

(a) Issue a writ of mandamus or any other appropriate writ,

direction or order directing the respondents 4 and 5 to provide sufficient Police protection for the conducting of election to the 6 respondent Co-operative Bank scheduled to be conducted on 3.9.2023 in accordance with Exhibit PI notification.

(b) Issue a writ of mandamus or any other appropriate writ,

direction or order directing the respondents 1 to 3 to make necessary arrangements for videography of the entire election proceedings during election to the 6th respondent Co-operative Bank scheduled to be conducted on 3.9.2023 in accordance with Exhibit PI notification.

(c) Issue a writ of mandamus or any other appropriate writ,

direction or order directing the respondent No.3 to compare the Identity Cards disputed during the election (notified as per Exhibit PI notification) with Form 6B Register and further to strictly follow Clause 8 of Exhibit P1 Election Notification.

(d) To dispense with the filing of English translation of vernacular documents produced along with the Writ Petition.

(e) Grant such other reliefs which this Honourable Court may deem fit and proper in the interest of justice. [SIC] WP(C) NO. 28101 OF 2023 4

2. The petitioners filed this writ petition for seeking

police protection for the election to be conducted in the 6 th respondent - Co-operative Society on 03.09.2023 in accordance with Ext.P1 election notification. The petitioners also want to videograph the entire election process and the petitioners are ready to bear the expenses.

3. Heard the learned counsel for the petitioners, learned Standing Counsel appearing for the 1st respondent, learned Government Pleader and the learned counsel appearing for the 6th respondent.

4. After hearing both sides, I think the prayer in this

writ petition can be allowed. Therefore, this writ petition is allowed in the following manner : 1) The respondent Nos. 4 and 5 are directed to provide sufficient police protection for conducting the election to the 6th respondent - Co-operative Bank scheduled to be conducted on 03.09.2023 in accordance with Ext.P1 notification. 2) The 3rd respondent will also make necessary arrangements WP(C) NO. 28101 OF 2023 5 for videography of the entire election process at the expense of the petitioners. 3) The 3rd respondent will inform the amount to be deposited by the petitioners for videography and the same will be paid by the petitioners to the 3rd respondent. 4) The petitioners will produce a certified copy of this

judgment along with a copy of this writ petition before the

respondent Nos. 3 to 5 for compliance. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 28101 OF 2023 6 APPENDIX OF WP(C) 28101/2023 PETITIONER EXHIBITS Exhibit P1 THE COPY OF THE ELECTION NOTIFICATION DATED 15.7.2023 ISSUED BY THE 1ST RESPONDENT Exhibit P2 THE COPY OF THE LETTER DATED 27.6.2023 SUBMITTED BY ONE ABRAHAM K. MATHEW (MEMBER OF THE 6TH RESPONDENT-BANK) BEFORE THE JOINT REGISTRAR Exhibit P3 THE COPY OF THE COMMUNICATION DATED 7.8.2023 SUBMITTED BY ONE ABRAHAM K. MATHEW BEFORE THE 2ND RESPONDENT Exhibit P3(a) THE COPY OF THE REPRESENTATION DATED OTHERS BEFORE THE JOINT REGISTRAR Exhibit P4 A COPY OF THE COMMUNICATION DATED 15.7.2023 ISSUED BY THE 2ND RESPONDENT Exhibit P5 THE COPY OF THE REPRESENTATION DATED 18.8.2023 SUBMITTED BY THE CONVENOR OF CO- OPERATIVE DEMOCRATIC FRONT BEFORE THE 3RD RESPONDENT Exhibit P6 THE COPY OF THE REPRESENTATION DATED

18.8.2023 SUBMITTED BY THE CONVENOR OF CO- OPERATIVE DEMOCRATIC FRONT BEFORE THE 4TH RESPONDENT-CIRCLE INSPECTOR POLICE