

**R.Sidharthakumar vs the Director**

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**SooperKanoon Citation :** [sooperkanoon.com/1445479](http://sooperkanoon.com/1445479)

**Court :** Kerala

**Decided On :** Oct-13-2022

**Judge :** Honourable Mr. Justice Devan Ramachandran

**Appeal No. :** WP(C)/2041/2021

**Appellant :** R.Sidharthakumar

**Respondent :** The Director

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 13TH DAY OF OCTOBER 2022 / 21ST ASWINA, 1944 WP(C) NO. 2041 OF 2021 PETITIONERS: 1 R.SIDHARTHAKUMAR AGED 70 YEARS S/O RAGHAVAN PILLAI, KADAMBATT HOUSE, MYNAGAPPALLY NORTH, KOLLAM. 2 P. ANSAR, S/O POOKUNJU, KURIANPARAMBIL PADEETTATHIL, NORTH MYNAGAPPALLY, KOLLAM. 3 K.I.SANJAY, RESIDING AT KAVINTAYYATH (PRIYADARSINI), NORTH MYNAGAPPALLY, KOLLAM. BY ADVS. B.KRISHNA MANI SMT.DHANUJA M.S RESPONDENTS: 1 THE DIRECTOR DIRECTORATE OF DIARY DEVELOPMENT, PATTOM, THIRUVANANTHAPURAM- 695 004. 2

THE DEPUTY DIRECTOR, DEPARTMENT OF DAIRY DEVELOPMENT, BEACH ROAD, KOLLAM-691 001. 3 DAIRY EXTENSION OFFICER, DEPARTMENT OF DAIRY DEVELOPMENT, CIVIL STATION, KARUNAGAPPAALLY-690 518.

4 THE PRESIDENT, NORTH MYNAGAPPALLY MILK PRODUCERS CO-OPERATIVE SOCIETY LTD NO Q 259(D) APCOS, NORTH MYNAGAPPALLY, KOLLAM-690 519. BY ADVS. GOVERNMENT PLEADER SRI.M.SASINDRAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Dated this the 13th day of October, 2022. The petitioners, who claim to be the members of "North Mynagappally Milk Producing Co-operative Society Ltd." (Society for short), allege that its Managing Committee is mismanaging its affairs and therefore, that their actions are liable to be investigated into by the competent among respondents 1 to 3. They say that they have preferred Exts.P2 and P3 representations before the 3rd respondent - Dairy Extension Officer, for such purpose; and seek that said Authority be directed to initiate and complete the enquiry in the matters specified therein, without any further delay.

2. Sri.B.Krishna Mani - learned counsel for the

petitioners, submitted that the allegations made by his clients are so grave that it cannot brook any delay in causing an investigation into the affairs of the Society. He submitted that, by granting such latitude, said Committee will be emboldened to further misdemeanor and thus reiteratingly prayed that competent among respondents 1 to 3 be directed to initiate enquiry, as per the provisions of the Kerala Co-operative Societies Act and the Rules thereunder, forthwith.

3. Sri.Joshy Thannickamattam - learned

Government Pleader, responded to the afore submissions, saying that there does not appear to be legal impediment in respondents 1 to 3, or whoever be the

competent among them, to consider Exts.P2 and P3 and take an apposite decision thereon. He prayed that, however, this Court may not make any affirmative declarations on the contentions of the petitioners and leave it to be decided by the competent Authority.

4. Sri.M.Sasindran - learned counsel appearing for

the 4th respondent, submitted that his client has nothing to hide and that, therefore, they will not shy away from an enquiry, if found necessary by the competent Authority. He, however, argued that, the question whether any such enquiry is necessary will have to be decided by the competent Authority within the purlieus of the Act and Rules, guided by the various judgments of this Court covering the field. He further explained that the allegations of the petitioners are, in fact, very trifling because non-convening of the General Body Meeting - being the primary among them - was solely because of the COVID -19 pandemic disruption.

5. When I evaluate and consider the afore

submissions, it is without doubt that competent among respondents 1 to 3 must take up Exts.P2 and P3 complaints of the petitioners and dispose it of as per law. Of course, this cannot to be construed to mean that this Court is directing an enquiry to be initiated, but only that competent Authority must consider whether any such is necessary and warranted, going by the allegations made by the petitioner. In the afore perspective, I order this writ petition and direct the competent among respondents 1 to 3 to take up Exts.P2 and P3 representations of the petitioners and to dispose of the same, after affording them, as also the Society, necessary opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than four months from the date of receipt of a copy of this judgment. For an expeditious compliance of the afore directions, I direct the petitioner to produce a certified copy of this judgment, along with full copy of this writ petition, before the 3rd respondent; and the time frame afore fixed will commence from the date of such production. Sd/- DEVAN RAMACHANDRAN JUDGE Raj. 14.10.2022. APPENDIX OF WP(C) 2041/2021 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE BYELAW OF NORTH MYNAGAPPALLY MIL PRODUCING CO-

OPERATIVE SOCIETY LTD EXHIBIT P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE DAIRY EXTENSION OFFICER. EXHIBIT P3 TRUE COPY OF THE REPRESENTATION BEFORE THE 3RD RESPONDENT DATED 21.12.2020 EXHIBIT P4 TRUE COPY OF THE REPRESENTATION DATED 21.12.2020 BEFORE THE PRESIDENT OF SOCIETY EXHIBIT P5 TRUE COPY OF THE REPRESENTATION DATED 21.12.2020 BEFORE THE SOCIETY OF THE SOCIETY EXHIBIT P6 TRUE COPY OF THE RELEVANT PORTION OF PROCEEDINGS, ANNUAL GENERAL BODY MEETING EXHIBIT P7 TRUE COPY OF THE LIST PREPARED WITH REGARD TO THE ACTIVE MEMBERS FROM 13.12.2019 TO 12.12.2020 EXHIBIT P8 TRUE COPY OF THE RELEVANT PORTION OF THE PROCEEDING, ANNUAL GENERAL BODY MEETING OF NORTH MYNAGAPPALLY MILK PRODUCING CO-OPERATIVE SOCIETY LTD NO.Q 259(D) APCOS IS TO BE HELD ON EXHIBIT P9 TRUE COPY OF THE RELEVANT PORTION OF

PROCEEDING ANNUAL GENERAL BODY MEETING OF NORTH MYNAGAPPALLY MILK PRODUCING CO-OPERATIVE SOCIETY LTD NO.Q 259(D) APCOS IS TO BE HELD ON 20/2/2021 AT 10A.M. EXHIBIT P10 TRUE COPY OF THE RELEVANT PORTION OF PROCEEDING ANNUAL GENERAL BODY MEETING OF NORTH MYNAGAPPALLY MILK PRODUCING CO-OPERATIVE SOCIETY LTD NO.Q 259(D) APCOS IS TO BE HELD ON 20/2/2021 AT 10A.M. EXHIBIT P11 TRUE COPY OF THE RELEVANT PORTION OF PROCEEDING ANNUAL GENERAL BODY MEETING OF NORTH MYNAGAPPALLY MILK PRODUCING CO-OPERATIVE SOCIETY LTD NO.Q 259(D) APCOS IS TO BE HELD ON 20/2/2021 AT 10A.M. EXHIBIT P12 TRUE COPY OF THE RELEVANT PORTION OF PROCEEDING ANNUAL GENERAL BODY MEETING OF NORTH MYNAGAPPALLY MILK PRODUCING CO-OPERATIVE SOCIETY LTD NO.Q 259(D) APCOS IS TO BE HELD ON 20/2/2021 AT 10A.M. EXHIBITS R2(A) TRUE COPY OF THE CERTIFICATE FROM THE PRESIDENT OF THE SOCIETY R2(B) TRUE COPY OF INVOICE RECEIVED FROM MILMA R2(C) TRUE COPY OF AUDIT REPORTS