

**Joy Vs. Registrar**

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**SooperKanoon Citation :** [sooperkanoon.com/728377](http://sooperkanoon.com/728377)

**Court :** Kerala

**Decided On :** Aug-09-2005

**Reported in :** 2005(4)KLT518

**Judge :** Thottathil B. Radhakrishnan, J.

**Acts :** Kerala Co-operative Societies Act, 1969; Kerala Co-operative Societies Rules

**Appeal No. :** W.P. No. 23536 of 2005

**Appellant :** Joy

**Respondent :** Registrar

**Advocate for Def. :** B.S. Swathi Kumar, Special Government Pleader

**Advocate for Pet/Ap. :** P.V. Jyothi Prasad and; M.G. Ashokan, Advs.

**Disposition :** Petition dismissed

**Judgement :**

**Thottathil B. Radhakrishnan, J.**

1. This Writ Petition relates to a motion of no-confidence as regards the President of a Co-operative Society.

2. The petitioner contends, firstly, that he cannot be ousted from the office of the President of the Society by a no-confidence motion since he came into office and is continuing as such on the basis of Ext.P1 agreement entered into between the members of the Committee, whereby they had agreed among themselves as to who shall be the President at the first instance and when he was ceases to be so, as to who shall then hold office. The Co-operative Societies are expected to work as a democratic institution. That is how they are conceived and provided for in the Kerala Co-operative Societies Act, hereinafter referred to as the 'Act' and the Kerala Co-operative Societies Rules, hereinafter referred to as the 'Rules'. Ext.P1 is an agreement whereby the elected members of the Committee have agreed among themselves as to assuming the office of the President during the tenure of the Committee. It shocks not only conscience but also any spirit referable to Rule of law and public policy. It is in gross violation of public policy. It can never commend acceptance by Courts, on any facet of public justice. Ext.P1 does not stand for a moment. The argument of the petitioner, on the strength of Ext.P1, is therefore repelled.

3. The next contention of the petitioner is that he is entitled to be told the reasons for the loss of confidence while a no-confidence motion is being moved. Confidence, as is explicit, does not require any reason to be stated. Nor does it always depend upon reasons. The rules do not provide the requirement of any reason being stated. Experience would show that no-confidence could be expressed even against a person, who cannot be held at fault. This ground also fails.

4. Thirdly, in spite of the absence of specific pleadings in that regard, the learned counsel for the petitioner referred to Ext.P3 and contended that the 12th respondent, who is the signatory to the no-confidence motion, is abroad. There is no rule requiring the signatories of a no-confidence motion to be present before any officer for the purpose of signing the no-confidence motion or even for presenting the same. No such ground stands.

The Writ Petition fails and it is accordingly dismissed in limine.

