

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6452 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 10715 OF 2014]

GANGADHARAN NAIR P. & ORS. Appellant (s)

VERSUS

BHASKARAN M. & ORS. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The main issue arising for consideration in this case is that there is no compliance of the mandatory provision of Rule 35A (3) of the Kerala Cooperative Society Rules in the matter of conduct of election. Of the 12000 voters, only 1390 have voted.

3. On the previous occasions also, the people who participated in the election were only few. In the years 2003 to 2008, of the 15001 voters, only 858 participated and in the years 2009 to 2014, of the 13249 voters, only 1375 participated. But the fact remains is that there is no proper compliance of the publication of the election schedule. The publication was only in two vernacular dailies, which have only a circulation of around 3000.

4. In the above circumstances, there shall be a direction to the State Cooperative Election Commission to conduct election afresh to the 4th respondent-society. The election schedule shall be published in Kasaragod Page in Kannur Edition of 'Malayala Manorama' and 'Mathrubhumi'.

5. Till the election, as above, is conducted, the Managing Committee which has been in office pursuant to the election which has been set aside now, will continue as an adhoc committee.

6. The State Cooperative Election Commission shall conclude the process of election expeditiously and in any case, within six months from today.

7. In view of the above, the appeal is disposed of. Pending interlocutory applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
May 09, 2017.

ITEM NO.54

COURT NO.6

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10715/2014

(Arising out of impugned final judgment and order dated 09/04/2014 in WP No. 172/2014 09/04/2014 in WA No. 32/2014 passed by the High Court Of Kerala At Ernakulam)

GANGADHARAN NAIR P. & ORS.

Petitioner(s)

VERSUS

BHASKARAN M. & ORS.

Respondent(s)

(with interim relief and office report)

Date : 09/05/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. M. P. Vinod, Adv.

For Respondent(s) Mr. Raghenth Basant, Adv.
Ms. Aanchal Tikmani, Adv.
Mr. Mishal Johari, Adv.
Mr. Senthil Jagadeesan, Adv.

Ms. Usha Nandini. V, Adv.
Mr. Biju P. Raman, Adv.

Mr. G. Prakash, Adv.
Mr. Jishnu M. L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Manu Srinath, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed
of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)