

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 20TH DAY OF FEBRUARY 2020 / 1ST PHALGUNA, 1941

WP (C) .No.4949 OF 2020 (P)

PETITIONER:

VENUGOPALA KURUP
AGED 57 YEARS
SREEVATSAM, ANAYADI, SOORANAD P.O.KOLLAM, WORKING AS
PRESIDENT, ANAYADI MILK PRODUCER CO-OPERATIVE SOCIETY
LTD NO Q-120 (D) APCOS ANAYADI, SOORANAD NORTH, KOLLAM-
690 561.

BY ADVS.
SRI.P.N.MOHANAN
SRI.C.P.SABARI
SRI.H.MAHADEVAN
SMT.AMRUTHA SURESH

RESPONDENTS:

DEPUTY DIRECTOR
OFFICE OF THE DAIRY DEVELOPMENT DEPARTMENT, KOLLAM-691
001.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20.02.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court aggrieved by Ext.P8 notice issued to him under Section 68(2) of the Kerala Co-operative Societies Act. It is not in dispute that to the said notice the petitioner has already preferred Ext.P9 objection before the respondent. The sole contention of the petitioner in the Writ Petition is that although he has filed Ext.P9 objection it is unlikely that the respondent would consider his request for a fresh enquiry to ascertain certain factual issues.

2. I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader appearing for the respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I find that Ext.P8 is only a notice and in response to the same, the petitioner has already filed Ext.P9 objection. At this stage of the proceedings, I see no reason for the petitioner to apprehend that the objections will not be considered by the respondent in the adjudication that is to follow. Accordingly, without prejudice to the right of the petitioner to approach this Court against any adverse order passed against him under Section 68(2), the Writ Petition in its challenge against Ext.P8 notice at this stage is not entertained.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

APPENDIX

PETITIONERS EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE STATEMENT DATED 29.9.2015 SUBMITTED BY THE SAID SRI. K.UDHAYABHANU BEFORE THE COMMITTEE.
EXHIBIT P2	A TRUE COPY OF THE COMMUNICATION OF THE GOVERNMENT OF INDIA ON THE STEP PROJECT DURING AUGUST 2011.
EXHIBIT P3	A TRUE COPY OF THE RELEVANT PORTION OF THE REGISTER
EXHIBIT P4	A TRUE COPY OF THE RELEVANT PORTION OF THE VOUCHER
EXHIBIT P5	A TRUE COPY OF THE NOTICE DATED 22.6.2019 UNDER SECTION 68(10 ENQUIRY
EXHIBIT P6	A TRUE COPY OF THE EXPLANATION DATED 10.7.2019 OF THE PETITIONER
EXHIBIT P7	A TRUE COPY OF THE NOTICE DATED 25.7.2019 ALONG WITH REPORT
EXHIBIT P8	A TRUE COPY OF THE NOTICE DATED 14.1.2020 OF THE RESPONDENT
EXHIBIT P9	OBJECTION DATED 3.1.2020 SUBMITTED BY THE PETITIONER FOR RE-ENQUIRY

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE