



2025:KER:30369

WP(C) No.14572 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 14572 OF 2025

PETITIONERS:

- 1 ALICE PAUL
AGED 64 YEARS
W/O PAUL, KURIECKAL VEMPILLI, NEDUNGAPPRA P.O.,
ERNAKULAM DISTRICT, PIN - 683545
- 2 PREENI PRAGANZA
AGED 52 YEARS
W/O E.P PRAGANZA, ENCHEKKAL HOUSE, ASHAMANNOOR P.O.,
ASHAMANNOOR, ERNAKULAM DISTRICT, PIN - 683549
- 3 MANI E.V
AGED 58 YEARS
W/O K A THAMPAN, KENKEYIL HOUSE, NEDUNGAPPRA P.O.,
NEDUNGAPPRA, ERNAKULAM DISTRICT, PIN - 683545
- 4 LEELA ELDOSE
AGED 60 YEARS
W/O V J ELDHO, R/A VATTEKKADU HOUSE, VENGOOR P.O.,
EDATHURUTH, ERNAKULAM DISTRICT, PIN - 673314
- 5 E.P. ANNAM
AGED 77 YEARS
W/O O. DEVASSY ENCHEKKAL HOUSE, NEDUNGAPPRA P.O.,
KURUPPAMPADI VALLI, ERNAKULAM DISTRICT, PIN - 684545

BY ADVS.
ARUN CHANDRAN
AMRITA ARUN
HARIMOHAN



HANA KARNOLIA MADONA CYRIL
ASWATHY S MENON
JYOTHIKUMAR R.

RESPONDENTS:

- 1 THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES
OFFICE OF THE JOINT REGISTRAR [GENERAL] OF COOPERATIVE
SOCIETIES, FIFTH FLOOR, NEW BLOCK, CIVIL STATION,
THRIKKAKARA, KAKKANAD, ERNAKULAM DISTRICT, PIN - 682030
- 2 NEDUNGAPARA VANITHA SERVICE COOPERATIVE BANK LIMITED
NO.E1108 REPRESENTED BY ITS SECRETARY, NO. 135/E,
NEDUNGAPRA, KURUPPAMPADY, ERNAKULAM, PIN - 683545

ADDL.R3 JESSY GEORGE, AGED 69 YEARS,
W/O. GEORGE, THOTTUPURAM HOUSE, ASAMANNOOR P.O.,
ASAMANOOR, ERNAKULAM, KERALA-683549 (ADDL.R3 IMPEADED
AS PER ORDER DATED 08.04.2025 IN I.A.1 OF 2025)

BY ADVS.
FIROZ
M.SHAJNA
SHEEJA C.S, GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The petitioners are the members of the Managing Committee of the 2nd respondent Society. They have filed this writ petition challenging Ext.P15 order passed by the 1st respondent surcharging them under Section 68(2) of the Kerala Co-operative Societies Act, 1969 (for short, 'the Act'). According to the petitioners, copies of the report on inspection under Section 66(2) of the Act and report on enquiry under Section 68(1) of the Act are not served on them. It is further contended that the amounts which are stated to be lost by the Society had already been paid to the Society along with applicable interest as evident from Exts.P6 to P10. Accordingly, it is contended that the petitioners cannot be surcharged and Ext.P15 order is vitiated by non application of mind and violation of statutory provisions.

2. Heard Sri.Arun Chandran, the learned counsel for the petitioners, Smt.Sheela C.S, the learned Government Pleader for the 1st respondent and Sri.K.M Firoz, the learned counsel for the additional 3rd respondent. In the nature of the order I



propose to pass, notice to the 2nd respondent is dispensed with.

3. Against an order of surcharge passed by the Joint Registrar under Section 68(2) of the Act, there is a remedy by way of appeal under Section 83(1)(e) of the Act. When a statutory forum is created by law, it is trite that this Court shall not entertain the writ petition ignoring the statutory dispensation.

Accordingly, without prejudice to the right of the petitioners to move the appellate authority invoking Section 83(1)(e) of the Act, this writ petition is disposed of. To enable the petitioners to avail said remedy, operation of Ext.P15 shall stand deferred for a period of six weeks from today.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

smp



APPENDIX OF WP(C) 14572/2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE PROCEEDINGS OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES [GENERAL] ERNAKULAM DISTRICT, BEARING NO. HM 6880/19 DATED 16.11.2019
- Exhibit P2 TRUE COPY OF THE ELECTION NOTIFICATION BEARING NUMBER 01/1201/2024/E (2) SCEC DATED 21.09.2024
- Exhibit P3 TRUE COPY OF THE NOTICE ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES [GENERAL] ERNAKULAM DISTRICT BEARING DATE 28.09.2020
- Exhibit P4 TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONERS ALONG WITH OTHER MEMBERS OF THE BOARD OF DIRECTORS BEARING DATE 17.12.2020
- Exhibit P5 TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT JOINT REGISTRAR 11.06.2024
- Exhibit P6 TRUE COPY OF THE RECEIPT ISSUED BY THE SOCIETY TO PETITIONER NO. 1, EVIDENCING THE REMITTANCE OF RS. 970/- TO THE SOCIETY ON 18.06.2024
- Exhibit P7 TRUE COPY OF THE RECEIPT ISSUED BY THE SOCIETY TO PETITIONER NO. 2, EVIDENCING THE REMITTANCE OF RS. 970/- TO THE SOCIETY ON 18.06.2024
- Exhibit P8 TRUE COPY OF THE RECEIPT ISSUED BY THE SOCIETY TO PETITIONER NO. 3, EVIDENCING THE REMITTANCE OF RS. 970/- TO THE SOCIETY ON 18.06.2024
- Exhibit P9 TRUE COPY OF THE RECEIPT ISSUED BY THE SOCIETY TO PETITIONER NO. 4, EVIDENCING THE REMITTANCE OF RS. 970/- TO THE SOCIETY ON



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18.06.2024

Exhibit P10

TRUE COPY OF THE RECEIPT ISSUED BY THE SOCIETY TO PETITIONER NO. 5, EVIDENCING THE REMITTANCE OF RS. 970/- TO THE SOCIETY ON 18.06.2024

Exhibit P11

TRUE COPY OF THE INTERIM ORDER DATED 23.10.2024, IN WRIT PETITION [CIVIL] NO. 37345 OF 2024

Exhibit P12

TRUE COPY OF THE INTERIM ORDER DATED 21.10.2024, IN WRIT PETITION [CIVIL] NO. 36721 OF 2024

Exhibit P13

TRUE COPY OF THE NOTICE ISSUED BY THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES [GENERAL], ERNAKULAM DISTRICT, TO THE PETITIONERS UNDER SECTION 68 [1] OF THE ACT, BEARING DATE 08.01.2025

Exhibit P14

TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONERS DATED NIL

Exhibit P15

TRUE COPY OF THE PROCEEDINGS OF THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES [GENERAL], ERNAKULAM DISTRICT, SURCHARGING THE PETITIONERS UNDER SECTION 68 [2] OF THE ACT, BEARING DATE 29.03.2025