

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT**

**THE HONOURABLE MR.JUSTICE N.NAGARESH**

**Wednesday, the 23<sup>rd</sup> day of October 2024 / 1st Karthika, 1946**

**WP(C) NO. 36579 OF 2024(V)**

**PETITIONER:**

**C.V.SANTHA KUMAR AGED 45 YEARS S/O.C.S.VASU, CHARUVILAYIL,  
MUTHUPEZHUMKAL P.O., VAKAYAR, KONNI, PATHANAMTHITTA DISTRICT, PIN -  
689698.**

**RESPONDENTS:**

- 1. THE STATE CO-OPERATIVE ELECTION COMMISSION, REPRESENTED BY ITS  
SECRETARY, 3RD FLOOR, CO-BANK TOWERS, VIKAS BHAVAN P.O.,  
THIRUVANANTHAPURAM, PIN - 695033.**
- 2. THE RETURNING OFFICER, VAKAYAR SERVICE CO-OPERATIVE BANK LTD. NO.  
847, VAKAYAR P.O, PATHANAMTHITTA DISTRICT (UNIT INSPECTOR, CHITTAR,  
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES  
(GENERAL), KOZHENCHERRY, PATHANAMTHITTA)., PIN - 689698.**
- 3. THE ELECTORAL OFFICER VAKAYAR SERVICE CO-OPERATIVE BANK LTD. NO.  
847, VAKAYAR P.O, PATHANAMTHITTA DISTRICT (ASSISTANT REGISTRAR OF  
CO-OPERATIVE SOCIETIES (GENERAL), KONNI, PATHANAMTHITTA DISTRICT),  
PIN - 689698.**
- 4. THE VAKAYAR SERVICE CO-OPERATIVE BANK LTD. NO. 847 REPRESENTED BY  
ITS SECRETARY, VAKAYAR P.O., PATHANAMTHITTA DISTRICT, PIN - 689698.**

**Writ petition (civil) praying inter alia that in the circumstances  
stated in the affidavit filed along with the WP(C) the High Court be  
pleased to direct the 2nd respondent to provisionally accept the  
nomination filed by the petitioner and allow the petitioner to contest in  
the election to the managing committee of the 4th respondent society  
scheduled to be conducted on 26-10-2024, pending disposal of the writ  
petition (civil).**

**This petition coming on for orders upon perusing the petition and  
the affidavit filed in support of WP(C) and upon hearing the arguments of  
M/S. T.R.HARIKUMAR and ARJUN RAGHAVAN, Advocates for the petitioner,  
STANDING COUNSEL for R1 to R3 (B/O) and of Mr. M.SASINDRAN, Advocate  
for R4, the court passed the following:**

**N. NAGARESH, J.**

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**W.P.(C) No.36579 of 2024**  
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**Dated this the 23<sup>rd</sup> day of October, 2024**

**ORDER**

As the petitioner has not availed the prized amount under the Members Mutual Benefit Fund (MMBF), I am of the view that *prima facie*, the petitioner cannot be treated as a defaulter to loan as contemplated under Rule 44(1)(c) of the Kerala Co-operative Societies Rules, 1969.

2. In the circumstances, there will be an interim order directing respondents 2 and 3 to provisionally accept the nomination filed by the petitioner and allow the petitioner to contest the election to the Managing Committee of the 4<sup>th</sup> respondent-Society, which is scheduled to be conducted on 26.10.2024, provisionally and subject to further orders from this Court.

Post on 30.10.2024.

Sd/-  
**N. NAGARESH**  
**JUDGE**

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