



2024:KER:87413

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

THURSDAY, THE 21ST DAY OF NOVEMBER 2024/30TH KARTHIKA, 1946

WP(C) NO. 41151 OF 2024

PETITIONER:

**JAYAN C. R
AGED 37 YEARS, S/O. C.R RAMAN,
(MEMBERSHIP NO 6908) CHARIVUPARAMBIL HOUSE,
ELAPPUPARA, V. KOTTAYAM, PATHANAMTHITTA,
PIN - 689 656.**

**BY ADVS.
PHILIP T.VARGHESE
THOMAS T.VARGHESE
ACHU SUBHA ABRAHAM
V.T.LITHA
K.R.MONISHA
JIJO PAUL
ANJALI SUNIL**

RESPONDENTS:

- 1 THE STATE COOPERATIVE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY,
3RD FLOOR CO BANK TOWERS, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM, PIN - 695 033.**
- 2 THE ELECTORAL OFFICER
JANATHA SERVICE COOPERATIVE BANK LTD NO 1042,
(ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
GENERAL), KONNI, PATHANAMTHITTA, PIN - 686 691.**
- 3 THE RETURNING OFFICER
JANATHA SERVICE COOPERATIVE BANK LTD NO 1042,
(OFFICE INSPECTOR, OFFICE OF ASSISTANT**



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**REGISTRAR OF COOPERATIVE SOCIETIES GENERAL)
KONNI, PATHANAMTHITTA., PIN - 689 691.**

**4 JANATHA SERVICE COOPERATIVE BANK LTD NO 1042
REPRESENTED BY ITS SECRETARY, KONNI,
PATHANAMTHITTA, PIN - 689 691.**

**5 THE SUPERINTENDENT OF POLICE
PATHANAMTHITTA, PATHANAMTHITTA DISTRICT,
PIN - 689 645.**

**6 THE STATION HOUSE OFFICER
KONNI POLICE STATION, PATHANAMTHITTA,
PIN - 689 691.**

**BY ADVS
C.M. NAZAR, STANDING COUNSEL
RESMI THOMAS, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 21.11.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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JUDGMENT

Dated this the 21st day of November, 2024

The petitioner is a member of the 4th respondent-Society registered under the Kerala Co-operative Societies Act. Election to the Managing Committee of the 4th respondent-Society is scheduled to be held on 23.11.2024.

2. The petitioner submits that a direction may be issued to respondents 5 and 6 to comply with the directions contained in Ext.P6 Circular by ensuring smooth conduct of election to the Managing Committee of the 4th respondent-Society and a direction to respondents 1 to 3 to take necessary steps to prevent bogus voting in the election and to strictly comply with the provisions of Rule 35A(6)(n)(ix) of the Kerala Co-operative Societies Rules and also that a direction may be issued regarding videography of the entire process. The petitioner has also sought for a direction to number the ballot papers. Counsel appearing for the



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petitioner submits that in similar matters, this Court has issued orders, and refers to Ext.P7 judgment in W.P(C) No.37540 of 2024.

3. Counsel appearing for the petitioner argued that in order to prevent the bogus voting, it is appropriate to give serial number to ballot papers. In case any bogus vote is polled, it can be easily identified by verifying ballot voter in case where the actual voter came subsequent to the casting of bogus votes. So also it is necessary to count and tally the entire votes polled immediately before starting the counting, in order to identify the number of bogus votes in excess of actual votes.

4. Standing Counsel representing respondents 1 to 3 submitted that ballot papers are serially numbered and in every counting process, the total number of ballot paper would be counted, so as to tally the entire votes polled in the election. The counting will be conducted as per the



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established procedure.

5. Standing Counsel appeared for respondents 1 to 3 and Government Pleader appeared for respondents 5 and 6. They submitted that direction similar to the one issued in Ext.P7 can be issued in the matter of election to the 4th respondent-Society.

6. I have heard the learned Counsel appearing for the petitioner, the learned Standing Counsel representing respondents 1 to 3 and the learned Senior Government Pleader representing respondents 5 and 6. Notice to the 4th respondent is dispensed with.

Taking into consideration the afore facts, the writ petition is disposed of directing that respondents 1 to 3 shall ensure that the election is conducted strictly in compliance with the provisions contained in Rule 35A(6)(n)(ix) of the Kerala Co-operative Societies Rules. There will be a further direction to respondents 5 and 6 to provide adequate police



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protection to maintain law and order for the smooth conduct of the election to the 4th respondent-Society. The petitioner shall be permitted to videograph the entire election process under the supervision of the 3rd respondent-Returning Officer and ensuring that the secrecy of polling is not affected in any manner. The expenses for providing videography shall be met by the petitioner.

Sd/-
N.NAGARESH
JUDGE

AMR



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APPENDIX OF WP(C) 41151/2024

PETITIONER'S EXHIBITS

- Exhibit P1** TRUE COPY OF THE ELECTION NOTIFICATION NO.01/1445/2024/E(2)SCEC DATED 14.10.2024 ISSUED BY THE 1ST RESPONDENT.
- Exhibit P2** TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 6TH P RESPONDENT DATED 15.11.2024.
- Exhibit P3** TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 6TH RESPONDENT DATED 15.11.2024.
- Exhibit P4** TRUE COPY OF ACKNOWLEDGMENT RECEIPT DATED 15.11.2024 ISSUED BY THE 5TH RESPONDENT.
- Exhibit P5** TRUE COPY OF THE REPRESENTATION DATED 19.11.2024 FILED BY PETITIONER BEFORE THE 3RD RESPONDENT.
- Exhibit P6** TRUE COPY OF THE CIRCULAR NO.28/2013 DATED 20.11.2013 ISSUED BY THE STATE POLICE CHIEF.
- Exhibit P7** TRUE COPY OF THE JUDGMENT DATED 24.10.2024 IN WP(C) NO. 37540/2024 OF THIS HON'BLE COURT.