

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.11790-11794 OF 2016
[ARISING FROM SPECIAL LEAVE PETITION (C) NOS.33370-33374/20166]

JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
(GENERAL) AND ETC. ETC.

APPELLANT(S)

VERSUS

CHERIAN EAPEN AND ORS. ETC. ETC.

RESPONDENT(S)

WITH

C.A. NOS.11795-11799 @ SLP(C) NOS. 34636-34640/2016

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants are before this Court aggrieved by the interim order dated 1.11.2016 passed in Writ Petition Nos.33414 of 2016 and other connected matters. By way of the said order, the Division Bench of the High Court permitted the elections, scheduled to be held on 5.11.2016, to go on. It was also made clear that the elections conducted to the Managing Committee would be provisional and subject to the result of the writ petitions and also invocation of Section 69 of the Kerala Co-operative Societies Act.
3. When the special leave petition came up before this Court on 11.11.2016, the following order was passed:-

"Permission to file the SLPs is granted.

Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the caveator viz Respondent No.31.

Looking at the peculiar facts and circumstances of the case, it is directed

that by way of interim order an Administrative Committee shall be formed which shall consist of one Government official, who will be the Chairman of the Committee and the President as well as the Secretary of the Society shall be the member of the said Committee.

The Administrative Committee shall perform day to day work of the Cooperative Society and shall not take any policy decision.

The petition which is pending before the High Court shall be heard as soon as possible and preferably within a period of two months from today.

Issue notice to the respondents by speed post returnable on 5th December, 2016.

Implementation of the impugned judgment is stayed."

4. It is seen that pursuant to the elections conducted on 5.11.2016, 13 members have been elected to the Managing Committee.

5. Though several contentions are taken by the parties, we do not propose to go into the merits of the matter since the writ petitions are pending before the High Court. Since, by the time this Court passed the order dated 11.11.2016, a Managing Committee had already been elected on 5.11.2016, we dispose of these appeals permitting the Committee elected on 5.11.2016 to manage the affairs of the Society for the time being, on a provisional basis with the rider that the said Committee shall only perform the day-to-day work of the Co-operative Society and shall not take any policy decision, till the writ petitions are disposed of.

6. All contentions raised by the writ petitioners are left open before the High Court.

7. The writ petitions may be disposed of within the time indicated by this Court on 11.11.2016.

8. Applications for impleadment are allowed.

9. Pending application(s), if any, shall stand disposed of.

10. No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
DECEMBER 05, 2016.



JUDGMENT