

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

Thursday, the 31<sup>st</sup> day of January 2019/10th Magha, 1940

WP(C) No. 35791/2018(Y)

PETITIONER:-

RAJEEV.P.NAIR, S/O.PRABHAKARAN PILLAI,  
ROSAMANGALATH VEEDU, KAILASATHUKUNNU, VAMANAPURAM.P.O.,  
THIRUVANANTHAPURAM DISTRICT-695 606.

RESPONDENTS:-

1. THE VAMANAPURAM SERVICE CO-OPERATIVE BANK LTD.NO.927,  
REPRESENTED BY ITS SECRETARY, VAMANAPURAM.P.O.,  
THIRUVANANTHAPURAM DISTRICT-695 606.

AND OTHERS

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 stay all further proceedings pursuant to Exhibit- P4, pending disposal of the writ Petition(Civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 24.01.2019 and upon hearing the arguments of M/S T.R.HARIKUMAR, ADITHYA RAJEEV, ARJUN RAGHAVAN & JAIBY PAUL, Advocates for the petitioner, SRI. M.SASINDRAN, Advocate for the respondents 1 & 2 and of GOVERNMENT PLEADER for Respondents 3 to 5, the court passed the following:-

[P.T.O]

T.S

Communicated to all RTOs & JRTOs for necessary action & information.  
DEPUTY TRANSPORT COMMISSIONER  
NORTH ZONE, Kozhikode  
21/1/19

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W.P.(C) No. 35791 of 2018  
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Dated this the 31<sup>st</sup> day of January, 2019

**ORDER**

The order of this Court dated 24.01.2019 reads thus;

"The documents produced as Exts.P11 and P12 along with I.A. No.3 of 2019 are photographs of a Bolero jeep bearing registration No.KL-21/K-1321 owned by Vamanapuram Service Co-operative Bank, which is a Society registered under the Kerala Co-operative Societies Act, 1969 and the Rules made thereunder.

2. A Co-operative Society is not a statutory body. As held by the Apex Court in **Executive Committee of Vaish Degree College, Sharnli v. Lakshmi Narain [1976] 2 SCC 581**, there is a well marked distinction between a body, which is created by the Statute and a body, which after having come into existence, is governed in accordance with the provisions of the Statute.

3. A perusal of Exts.P11 and P12 photographs would show that the vehicle owned by the Society is fitted with a name board in red background. The said name board, which is fitted on a crash guard, obstructs clear view of the registration plate, which has to be exhibited in a motor vehicle as per the mandate of Rules 50 and 51 of Central Motor vehicle Rules, 1989 read with Regulation 36 of the Motor Vehicle (Driving) Regulations, 2017, issued by the Central Government, in exercise of its powers under Section 118 of the Motor vehicles Act, 1988.

4. By order dated 18.01.2019, the learned Senior Government Pleader was directed to make available for

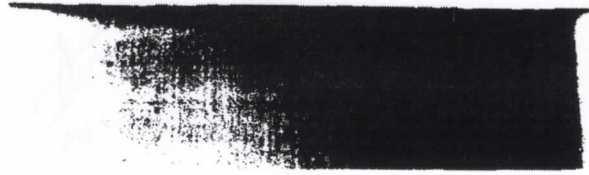


the perusal of this Court the relevant circulars/Government order, if any, regarding purchase of vehicles by the Co-operative Societies and the norms and guidelines for its use. The learned Senior Government Pleader seeks further time to place on record the relevant circulars/ Government order and to address arguments with reference to the relevant provisions under the Motor Vehicles Act and the Rules made thereunder.

5. The learned counsel for the petitioner would submit that a reply affidavit to the counter affidavit filed by the 2<sup>nd</sup> respondent shall be placed on record by 28.01.2019."

2. Pursuant to the aforesaid order, the learned Senior Government Pleader has made available for the perusal of this Court Circular No.32/2001 dated 17.08.2001 and Circular No.55/2003 issued by the 4<sup>th</sup> respondent Registrar of Co-operative Societies.

3. The learned counsel for the petitioner, after referring to the counter affidavit filed by the 2<sup>nd</sup> respondent in I.A.No.3 of 2019, would point out that, as per the entry made in Ext.R2(f) log book of Bolero jeep bearing registration No.KL-21/K-1321, the Convener of the Administrative Committee used the said vehicle on 20.11.2018 for travelling from Vamanapuram to the office of the Assistant Registrar of Co-operative Societies at Nedumangad. The learned



counsel would submit that 20.11.2018 was a public holiday (Milad-i-Sherif).

4. Along with the reply affidavit filed in I.A.No.3 of 2019, the petitioner has produced Ext.P15 photograph, in order to show that the vehicle is being parked in the residence of the Convener of the Administrative Committee for his personal activities.

5. The learned counsel for respondents 1 and 2 seeks a short time to file an affidavit, explaining the facts and circumstances.

6. The learned Senior Government Pleader shall get instructions from the 4<sup>th</sup> respondent Registrar of Co-operative Societies, with specific reference to the materials referred to hereinbefore and the steps, if any, taken to prevent misuse of the vehicles owned by Co-operative Societies, by the office bearers of those Societies, and also the action, if any, taken against exhibition of unauthorised name plates with red background or blue background in the vehicles owned by Co-operative Societies.

List on 08.02.2019.

yd

/true copy/

Sd/- ANIL K. NARENDRA, JUDGE

4.2.19  
ASSISTANT REGISTRAR