



2024:KER:33166

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 21ST DAY OF MAY 2024 / 31ST VAISAKHA, 1946

WA NO. 692 OF 2024

AGAINST THE ORDER DATED 12.04.2024 IN WP(C) NO.15512 OF 2023
OF HIGH COURT OF KERALA

APPELLANT/S:

- 1 NAIR SERVICE SOCIETY
NSS HEAD OFFICE, PERUNNA, CHANGANACHERRY,
KOTTAYAM, KERALA REP. BY ITS GENERAL SECRETARY,
PIN - 686102
- 2 G. SUKUMARAN NAIR
AGED 81 YEARS, S/O. GOPALAN NAIR, RESIDING AT
GOPURATHINGAL, RUBI NAGAR P.O, VAZHAPPALLI,
CHANGANACHERRY, KOTTAYAM, KERALA, PIN - 686103

BY ADVS.
M.GOPIKRISHNAN NAMBIAR
K.JOHN MATHAI
JOSON MANAVALAN
KURYAN THOMAS
PAULOSE C. ABRAHAM
RAJA KANNAN
PRANOY HARILAL

RESPONDENT/S:

- 1 T.K. GOPALAKRISHNAN NAIR
AGED 64 YEARS, S/O KRISHNAN NAIR, THADIYIL HOUSE,
KUMBASHA P.O., PATHANAMTHITTA DISTRICT, PIN-689653
- 2 S. NAVAKUMARAN NAIR
AGED 53 YEARS, S/O. SREEDHARAN NAIR 'SINDHOORAM',
KOTHANELLOOR P.O, KOTTAYAM, PIN - 686632



- 3 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY
GOVT. OF KERALA, SECRETARIAT
THIRUVANATHAPURAM, PIN - 695026
- 4 THE REGISTRAR AND I.G. OF REGISTRATION KERALA NON
TRADING COMPANIES ACT, , C/O I.G. REGISTRATION,
THIRUVANANTHAPURAM, KERALA., PIN - 695035
- 5 DR. M. SASIKUMAR
AGED 77 YEARS, S/O MADAVANPILLAI, PRESIDENT NAIR
SERVICE SOCIETY, KOTTINATTUBUNGLOW,
KANNAMPALLIBHAGOM, KAYAMKULAM ., PIN - 690502
- 6 N.V. AYYAPPANPILLAI
AGED 72 YEARS, S/O VELUPILLAI, , ADVOCATE,
TREASURER, NSS, 'PRASANTHI', PADANAYARKULANGARA
NORTH, KARUNAGAPILLI- PIN-., PIN - 690518
- 7 REGISTRAR OF NSS KARYOGAM
NSS HEAD OFFICE PERUNNA, CHANGANASSERY, PIN-686102
- 8 M. SANGEETHKUMAR
AGED 66 YEARS, S/O R. MOHAN NATHAN NAIR,
SREE GOVINDH, AMBALATHARA P.O.,
THIRUVANANTHAPURAM, PIN - 695 026
- 9 KALANJOOR MADHU
AGED 64 YEARS, S/O NARAYANAPANIKER, SREE NIKETHAN,
KALANJOOR P.O., ADOOR ., PIN - 689694
- 10 HARIKUMAR
AGED 67 YEARS, S/O GOVINDA PILLA, KOIKKAL,
KOIKKAL VIJAYABHAVANAM, PERUNNA WEST P.O.,
CHANGANASSERY., PIN - 686102
- 11 M.S. MOHAN
AGED 67 YEARS, S/O SIVARAMAN NAIR ADVOCATE,
MULLASSERIL, PONKUNNAM P.O.,
KOTTAYAM DISTRICT, PIN - 686506
- 12 M.M. GOVINDHANKUTTY
AGED 77 YEARS, S/O MADHAVAN PILLAI, 'MANGATTU',
KADAVANTHRA- KALOOR ROAD, KADAVANTHRA P.O.,
COCHIN., PIN - 682020



- 13 CHITHARA S
AGED 68 YEARS, D/O SANKARAN PILLAI, RADHAKRISHNAN
NAIR, ADVOCATE, AANATH VIHAR, KADACKAL P.O. ,
CHADAYAMANGALAM., PIN - 691536
- 14 K. R. SIVANKUTTY
AGED 66 YEARS
S/O RAGHAVN PILLAI, (PANTHALAM SIVANKUTTY) KUNNATH
HOUSE, THONNALLOOR, PANDALAM P.O ., PIN - 689501
- 15 C.P. CHANDRAN NAIR
AGED 74 YEARS, S/O PARAMESWARAN NAIR,
CHOLLANICKAL, MURUKKUMPUZHA, PALA P.O., PIN -
686575
- 16 DR.G.GOPAKUMAR
AGED 62 YEARS, S/O GOPALA PILLAI, DEEVIPRASADHAM',
PERAYAM, MULAVANA P.O., KOLLAM., PIN - 691503
- 17 ADVOCATE, G. MADHUSOODHANAN PILLAI
AGED 76 YEARS, S/O GOINDGA PILLAI, 'VENUKA' NEAR
KACHERI, ATTINGAL P.O.,, PIN - 695101
- 18 V.A. BABURAJ
AGED 61 YEARS, S/O APPUKUTTAN NAIR, ADVOCATE,
'SWATHI', PURAVOORKONAM, KARAKULAM P.O.,
NEDUMANGADU., PIN - 695564
- 19 G. THANKAPPAN PILLA
AGED 67 YEARS, S/O GOPALA PILLAI, PARVATHIMANDIRAM,
KARICKAKAM P.O., KOTTARAKKARA., PIN - 691531
- 20 PROF. K.P. NARAYANA PILLAI
AGED 63 YEARS
S/O PADMANABHA PANIKER. KUMARACHADATHU HOUSE,
KIDANGARA P.O., CHANGANASSERRY, PIN - 686102
- 21 M.P. UDAYABHANU,
AGED 54 YEARS, S/O UNNIKRISHNAKURUPPU,
MAVULLAPARAMBATH HOUSE, CHENDAYAD P.O., PANOOR,
THALASSERI, KANNOOR-., PIN - 670692
- 22 PROF. MADAVANA BALAKRISHNA PILLAI
AGED 65 YEARS, S/O BALAKRISHN PILLAI, 'PRASANTHI',
KUDAMALLOOR P.O., KOTTAYAM., PIN - 686617



- 23 P. N. SUKUMARA PANICKAR
AGED 66 YEARS, S/O NARAYANAPANICKAR, VANTHANALAYAM,
AALA P.O., CHENGANNOOR, PIN - 689126
- 24 P. NARAYANAN
AGED 70 YEARS
S/O PARAMESWARAN, 'ASWATHY', CHEMBRA COMPLEX,
SHORNOOR, PALAKKADU DISTRICT., PIN - 679121
- 25 PROF. ELANJIYIL RADHAKRISHNAN
AGED 65 YEARS, S/O RADHAKRISHNAN, RADHA MANSIL,
MAYITHARA MARKET P.O. CHERTHALA, ALAPUZHA., PIN -
688539
- 26 A. SURESAN
AGED 66 YEARS, S/O AYYAPPAN, ADVOCATE, ALLATHU
HOUSE, ANTHIKADU P.O., THRISSUR, PIN - 680641
- 27 A. BALAKRISHAN NAIR
AGED 67 YEARS
S/O AYYAPPAN NAIR, ADVOCATE, MANNIPADI ESTATE,
MADHOOR, R.D. NAGAR P.O. KASARKODE ., PIN - 671121
- 28 K. SREESAKUMAR
AGED 62 YEARS
S/O KRIHNAKUTTY, ADVOCATE, 'SREEPARNNAM', NOOLELI,
ASAMANNOOR P.O. ERNAKULAM DISTRICT., PIN - 683549
- 29 S. MADHU
AGED 65 YEARS, S/O SUKUMARAN, 'DEEPTHI',
Ayyarkulangara, VAIKKOM ., PIN - 686141
- 30 V. VIJULAL
AGED 68 YEARS
S/O VIYAYAN, ADVOCATE, THUNDAYYATH HOUSE,
NANGYARKULANGARA P.O., HARIPPAD ., PIN - 690513
- 31 R. HARIDAS
AGED 65 YEARS, S/O RADHAKRISHNAN, EDATHITTA,
EDATHITTA HOUSE, AIRAVON P.O., KONNI, PIN - 689691

BY ADV Biju P.S.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
21.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT****A.J. Desai, C.J.**

The challenge in this appeal is an interim order dated 12.04.2024 passed by the learned Single Judge in W.P.(C)Nos.15512 and 1717 of 2023.

2. The learned Senior Counsel appearing for the appellants states that the above referred writ petitions along with two other writ petitions, i.e. W.P.(C)Nos.13114 of 2020 and 11556 of 2023, were listed before the Single Judge on 05.04.2024 and on that date, the learned Single Judge directed all the matters to be listed for hearing before the appropriate bench as per the roster. It is also the submission of the learned counsel for the appellant that, in spite of the direction to post the matters as per roster, two out of the four writ petitions, i.e. W.P.(C)Nos.15512 and 1717 of 2023, were again listed on 11.04.2024 before the same Single Judge and those two matters were ordered to be listed on 12.04.2024 as part heard.

3. It is the contention of the learned counsel for the appellants that by impugned order dated 12.04.2024, certain directions were issued and the writ petitions posted on 31.05.2024. It is submitted



that the learned Single Judge ought to have adhered to the order dated 05.04.2024 by which all the matters were ordered to be listed before the appropriate bench as per the roster. He, therefore, submitted that it will be in the interest of justice to hear all the matters together, strictly as per the roster.

4. On the other hand, the learned counsel appearing for the respondent would submit that if the matters are to be heard by the Judge holding roster, appropriate direction may be issued for expeditious disposal of all the writ petitions.

5. We have heard the learned counsel appearing for the respective parties. We have also gone through the order passed by the learned Single Judge on 05.04.2024 in all the four writ petitions, which reads thus:

“Learned counsel appearing on behalf of the petitioners submits that these writ petitions are of not matters under the Right to Information Act but under Non trading companies Act and coordinate bench of this Court has already seized of the matter and listed for 21.5.2024. Post the matters before the appropriate bench as per the roster.”

6. In our considered opinion, the learned Single Judge should



have adhered to the order dated 05.04.2024, instead of treating only two matters as part heard while passing another order on 11.04.2024. We have also gone through the roster which was in effect from 23.03.2024. The learned Single Judge who passed the impugned order was heading a Division Bench at the relevant point of time. The roster makes it clear that, if for any reason, a Judge in the Division Bench has to sit single, he shall deal with those matters specified for such purpose in the roster itself. As per the roster, the learned Single Judge was supposed to deal with original petitions and writ petitions (civil) of the year 2014 only.

7. In view of the factual aspects discussed above, we allow this appeal and quash the orders dated 11.04.2024 and 12.04.2024 passed in W.P.(C)Nos.15512 and 1717 of 2023.

8. It is hereby directed to place all the four writ petitions (W.P.(C)Nos.13114 of 2020 and W.P.(C)Nos.15512, 1717 and 11556 of 2023) before the learned Single Judge, as per the current roster in force from 20.05.2024, in the week commencing from 27.05.2024. The learned Single Judge is requested to decide the above writ petitions at the earliest.



9. Apart from this aspect, the Office is duty bound to list matters before the concerned Judge strictly as per the roster, unless otherwise ordered by the Chief Justice. Any deviation from this direction, thereby causing difficulty to the Hon'ble Judges or Advocates appearing in the matter, will invite disciplinary action against the officials concerned.

Sd/-

A.J. Desai
Chief Justice

Sd/-

V.G. Arun
Judge

vpv



APPENDIX OF WA 692/2024

PETITIONER ANNEXURES

Annexure A COPY OF ORDER DTD 05.04.2024 IN WPC NO. 11556 OF 2023 AND CONNECTED CASE

Annexure B COPY OF ORDER DTD 11.04.2024 IN WPC NO. 15512 OF 2023

English translation of Exhibit P1

English translation of Exhibit P2

English translation of Exhibit P11