

SWAMY PRAKASANANDA AND ANR.

A

v.

STATE OF KERALA AND ORS.

SEPTEMBER 18, 2006

[DR. AR. LAKSHMANAN AND R.V. RAVEENDRAN, JJ.]

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*Trust:*

*Trust Board—Election of members to the Trust—Appointment of Authority to perform functions such as deciding validity of admission/removal of members to trust; finalizing list of voters and drawing up the calendar and supervising the conduct of elections—Authority passing final order after considering validity of removal and notifying list of voters and calendar—Objections by some members against the final order—Issuing certain directions the Court held, the election process as per the calendar has begun hence any prayer for interim relief is not considered as that would interfere with the process—Authority to proceed with the conduct of elections as per the final order as also calendar published by him—Old High Court Building Ernakulam approved as venue for elections that would ensure holding of election in orderly manner under direct supervision of Authority—Trust also directed to make certain payments.*

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CIVIL APPELLATE JURISDICTION : I.A. Nos. 11, 12 and 13

IN

Civil Appeal No. 486 of 2003.

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From the Final Judgment and/Order dated 10.8.2001 of the High Court of Kerala at Ernakulam in O.P. No. 19079/1997.

Gopal Jain, R.N. Karanjawala, Upamanyu Hazarika, Manik Karanjawala and K.V. Mohan for the Appellants.

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Raj Abraham, Himinder Lal, Subramonium Prasad, Rajan Babu A.A. and C.K. Sasi for the Respondents.

G. Prakash, Beena Prakash, K.D. Dileep Kumar and K.R. Sasiprabhu

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A for the State of Kerala.

The Order of the Court was delivered by

ORDER

B By order dated 2.5.2006, we had appointed Mr. Justice K.S. Paripoornan as the Authority to perform and discharge the following functions :

“(i) to scrutinize and decide the validity of the admission of 18 members to the Trust;

C (ii) to examine and decide whether the removal/exclusion of the said 18 members as also six of the original members from the Trust is valid;

(iii) to finalise the list of voters for holding elections to elect the Trust Board; and

D (iv) to draw up the calendar, and supervise the conduct of the elections for the Board, the declaration of the results, and the handing over of the charge from the existing Board to the newly elected Trust Board.”

E In pursuance of the same the Authority has passed an order dated 16.8.2006 after considering the validity of admissions of 18 members and of removal/exclusion of the said 18 members as also 6 of the original members. He has also finalized the list of voters and notified the same. The calendar for holding elections on 5.10.2006 has been notified.

F Some of the members of the Trust have filed SLPs. objecting to the final order dated 16.8.2006 passed by the Authority. But when the matter came up on 15.9.2006, they have requested that the said SLPs. may be treated as interlocutory applications in this matter by way of objections/response to the final order/report of the Authority. The said request has been accepted. Learned counsel for some other members have requested for time to file their response in regard to the said final order/report. On 15.9.2006, G we have granted 6 weeks time for that purpose.

We have heard the parties in regard to the interim prayers and considered the Authority’s letters dated 8.9.2006 and 11.9.2006 and issue the following directions :

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(i) As the election process as per the calendar has begun, we do not propose to consider any prayer for interim relief that will interfere with the election process. The Authority shall proceed with the conduct of elections as per the final order as also calendar published by him. We also approve the venue for elections as the old High Court building at Ernakulam, which will ensure that the election will be held in an orderly manner under the direct supervision of the Authority. The Authority shall proceed to complete the functions entrusted, as per our order dated 2.5.2006. The Authority may also take police aid for the orderly conduct of the election. A B

(ii) The election and the declaration of the result shall be subject to the order that we may pass on the responses filed (and to be filed) to the Authority's order dated 16.8.2006 and on the suggestions made by the Authority in Para 30 of his order dated 16.8.2006. C

(iii) The Trust shall make the following payments within two weeks :

(a) Rs.85,342/- to the Authority towards expenses incurred till 8.9.2006. D

(b) Consolidated remuneration at the rate of Rs.15,000/- p.m. to Mr. M.C. Madhavan, Secretary to the Authority, from the date of his appointment.

(c) Rs.1,50,000/- as remuneration payable to the Authority tentatively fixed, subject to the final orders. E

List the matter for further orders after 6 weeks.

D.G.

List after 6 weeks for further orders.