K.S. Mani vs State Of Kerala on 13 November, 2026

2026:KER:86971

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 13TH DAY OF NOVEMBER 2026 / 22ND KARTHIKA, 1948

WP(C) NO.32366 OF 2026

PETITIONERS:

1 K.S.MANI, AGED 71 YEARS
S/O KUPPANKUTTY, PADINJAREKKARA ENNAPADAM,
ELAPPULLY P.O., ELAPPULLY, PALAKKAD,
PIN - 678622

2 SREENIVASAN, AGED 74 YEARS
S/O NARAYANAN NAIR, LAKSHMI NIVAS,
POOLAPARAMBATH, NANMINDA, KOZHIKODE,
PIN - 673613

3 NARAYANAN P.P., AGED 69 YEARS
S/O NAROTH KANNAN, PAZHAYA PURAYIL,
KORAMKULAM, UDINOOR, KASARGOD, PIN - 671310

4 MOHAMMED KOYA, AGED 58 YEARS
S/O ABDURAHIMAN, UPPATTIL CHATHOTH HOUSE,
MUDIYANKAVU, ULLANAM NORTH P.O., NEDUVA,
MALAPPURAM, PIN - 676303

5 SANOJ S., AGED 46 YEARS
S/O SOMAN PILLAI, S.S. VILASAM, SHOLAYUR,
PALAKKAD, PIN - 678581

BY ADVS.
SHRI.P.DEEPAK
SHRI.RILGIN V.GEORGE
SHRI.DENNISE JACOB SAVY

2026:KER:86971

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY SPECIAL SECRETARY,
DEPARTMENT OF DAIRY DEVELOPMENT,
SECRETARIAT, THIRUVANANTHAPURAM,
PIN – 695001

2 DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT OFFICIATING
REGISTRAR OF COOPERATIVE SOCIETIES, PATTOM,
THIRUVANANTHAPURAM, PIN – 695004

3 MALABAR REGIONAL CO-OPERATIVE MILK
PRODUCERS' UNION LTD, HEAD OFFICE,
PERINGOLAM P.O., KUNNAMANGALAM, KOZHIKODE,
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN – 673571

4 ADMINISTRATOR, [DEPUTY DIRECTOR],
DAIRY DEVELOPMENT DEPARTMENT, WAYANAD,
CIVIL STATION, KALPETTA, WAYANAD,
PIN – 673121

5 KERALA STATE CO-OPERATIVE UNION,
SAHAKARANA BHAVAN, OOTTUKUZHI P.B.NO:108,
THIRUVANANTHAPURAM, KERALA, INDIA,
REPRESENTED BY ITS SECRETARY,
PIN – 695001

* 6 GIRISH KUMAR P.T.,
AGED 57 YEARS, S/O ASHOKAN, MEMBER,
BOARD OF DIRECTORS OF THE MALABAR REGIONAL
CO-OPERATIVE MILK PRODUCERS UNION LTD.
(UNDER ORDER OF SUPERSESSION),
RESIDING AT ABHAYAM, PUZHATHINDETH HOUSE,
PO VAKAYAD, VIA NADUVANNUR, PIN- 673614.

* 7 PRABILA P.M., AGED 33 YEARS, D/O BALAN MEMBER,
BOARD OF DIRECTORS OF THE MALABAR REGIONAL
CO-OPERATIVE MILK PRODUCERS UNION LTD
(UNDER ORDER OF SUPERSESSION), PULLIYAN MADATHIL
HOUSE, PO. IRINGATH, VIA PAYYOLI- 673523.

* 8 SUNNY JOSEPH, S/O JOSEPH, MEMBER,
BOARD OF DIRECTORS OF THE MALABAR REGIONAL
CO-OPERATIVE MILK PRODUCERS UNION LTD
(UNDER ORDER OF SUPERSESSION),
MITTATHANIKKAL HOUSE, P.O VADAPURAM,
VIA MAMBAD, PIN-676542.

* 9 SUHAIL T., S/O ABDULLA,
MEMBER, BOARD OF DIRECTORS OF THE
MALABAR REGIONAL CO-OPERATIVE MILK PRODUCERS
UNION LTD (UNDER ORDER OF SUPERSESSION),
THONDIYI HOUSE, P.O CHEMMALASSERI,
VIA PULAMANTHOL, PIN-679323.

* 10 CHENTHAMARA K., AGED 78 YEARS, S/O KRISHNAN, MEMBER
BOARD OF DIRECTORS OF THE MALABAR REGIONAL,
CO-OPERATIVE MILK PRODUCERS UNION LTD (UNDER ORDER
OF SUPERSESSION), ERATTUCHALLA, P.O NANNIODE,
PALAKKD- 678534.

* 11 KORAN K., AGED 70 YEARS
MEMBER, BOARD OF DIRECTOS OF THE MALABAR
REGIONAL,MEMBER OF DIRECTORS OF THE
MALABAR REGIONAL CO-OPERATIVE MILK PRODUCERS
UNION LTD. (UNDER ORDER OF SUPERSESSION),
KONDITHODE VEEDU,ONGALLUR, PALAKKAD,
KALLADPATTA, PIN 679313.

* 12 BINDU K., AGED 52 YEARS, D/O DAMODARAN NAMBIAR,
MEMBER BOARD OF DIRECTORS OF THE MALABAR REGIONAL
CO-OPERATIVE MILK PRODUCERS UNION LTD (UNDER ORDER
OF SUPERSESSION), KAIPARATH HOUSE, KADANNAPPALLI
P.O.KANNUR, PIN 670504.

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* 13 K.SUDHAKARAN
AGED 59 YEARS, S/O. KUNCHAMBU, MEMBER,
BOARD OF DIRECTORS OF THE MALABAR REGIONAL

CO-OPERATIVE MILK PRODUCERS' UNION LTD.
(UNDER ORDER OF SUPERSESSION), KANDATHIL HOUSE,
PODAVOOR P.O., KASARAGOD, PIN-671313.

* [ADDL.R6 TO ADDL R13 ARE IMPLEADED AS PER ORDER DATED 14/10/2026 IN IA.NO.2/2026 IN WP(C) NO. 32366/2026]

BY ADVS.
SHRI.P.N.MOHANAN
SHRI.M.SASINDRAN
SHRI.ARUN CHANDRAN, SPL.GP (CO-OPERATION)
SHRI.K.JAJU BABU, ADVOCATE GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13.11.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

W.P.(C) No.32366 of 2026

Dated this the 13th day of November, 2026

JUDGMENT

The above writ petition is filed challenging Ext.P1 and for a consequential direction to the respondents to permit the petitioners to continue in office as members of the Board of Directors/Managing Committee of the 3 rd respondent Union till the expiry of their term.

2. The brief facts necessary for the disposal of the writ petition are as follows: First petitioner and petitioners 2 to 5 herein are the former elected Chairman and elected Members, respectively of the Board of Directors/ Managing Committee of the 3" respondent Central Society, namely, Malabar Regional Cooperative Milk Producers' Union, which stands superseded under Section 32 of the Kerala Cooperative Societies Act, 1969 (for short, the 'Act') by Ext. P1 dated 18.09.2026. The Managing Committee of the 3rd respondent Union, now superseded vide Ext.P1 order, had assumed office with effect from 05.02.2025 and the term of office would have expired only on 04.02.2030. The essential grievance raised by the petitioners is that in rendering Ext.P1 order, the 2nd respondent has, by invoking Section 32(3) of CNR : KLHC010711542026 WP(C) No.32366 of 2026 6 2026:KER:86971 the Act, expressly dispensed with the mandatory requirement of giving the committee an opportunity of stating objections under Section 32(1) and without consulting the financing bank and the State Co-operative Union as required under Section 32(2) of the Act. The said action is justified on a stereotyped ground that the time that would be expended in complying with the aforesaid statutory formalities would enable the Committee to manipulate the records, influence the officials and destroy, rewrite or otherwise cause damage to the relevant files. This called for an examination of the validity of the said stand in dispensing with the

mandatory requirement or permitting the Committee to state its objection under Section 32(1) of the Act and the dispensation of consulting the financing Bank and the State Co-operative Union as required under Section 32(2) of the Act. It is the case of the petitioners that no such circumstances prevail in the present case for the 2 nd respondent to hold that it is not reasonably practicable to comply with the mandate of a pre-decisional opportunity to state objections and prior consultation. To drive home the said contention, the learned Senior Counsel appearing for the petitioners would submit that the 2nd respondent herself had, as early as on 19.08.2026, i.e., almost a month before the issue of Ext.P1 order dated 18.09.2026, issued Ext.P2 order under Section 66 (11) of the Act.

CNR : KLHC010711542026 WP(C) No.32366 of 2026 7 2026:KER:86971 The inquiry under Ext.P2 order was also to be held into the affairs of a subsidiary institution promoted by the 3rd respondent Union, namely, Malabar Rural Development Foundation (MRDF), apart from the 3rd respondent Union.

On 21.08.2026, immediately on receipt of Ext.P2 order, the Managing Director had, on behalf of the committee members including the petitioners, submitted Ext.P3 letter before the 2nd respondent, expressing the definite and unequivocal resolve of the committee members to totally cooperate with the proposed inquiry. Later, on 01.09.2026, the 1st petitioner, in his capacity as the Chairman of the 3rd respondent Union, also issued Ext.P4 letter to the 2 nd respondent, reiterating the stand expressed by the Managing Director in Ext.P3 communication and extending complete cooperation on the part of the committee members to the proposed inquiry. In Ext.P4 communication, the 1st petitioner also indicated that the proposed inquiry must be broadened to include within its scope even matters relating to the administration, management and business of the 3rd respondent Union prior to the assumption of office of the present committee on 05.02.2025. Petitioners would submit that from the date of issuance of Ext P2 order on 19.08.2026, the Inspecting Officers had the mandate to demand production of the relevant records and take custody of the same, and the 3rd respondent Union had a corresponding CNR : KLHC010711542026 WP(C) No.32366 of 2026 8 2026:KER:86971 duty to comply with any such directive of the Inspecting Officers. But it is the case of the petitioners that at no point of time, after the issue of Ext.P2, did the 2nd respondent or the Inspecting Officers authorized by the 2 nd respondent to conduct the inquiry under S.66 (11) of the Act into the very same allegations, on the basis of which Ext.P1 order of supersession is now passed, have any apprehensions or any anxiety whatsoever regarding attempts on the part of the committee members of the 3rd respondent Union to manipulate the records, influence the officials and destroy, rewrite or otherwise cause damage to the relevant files as now projected in Ext.P1 order of supersession.

On 05.09.2026, the leader of the inspecting team constituted under Ext.P2, as per Ext.P5 communication, informed the Managing Director that the inspection scheduled to be conducted on 16.09.2026 would be confined to the records of the subsidiary institution of the 3rd respondent Union. On 11.09.2026, as per Ext.P6 communication, it is informed that the inspection of the subsidiary institution proposed to be held on 16.09.2026 is sine die deferred. Therefore, it is contended that no inspection was conducted till the period was over on 14.09.2026. On 16.09.2026, the 2nd respondent issued Ext.P7 order reconstituting the inspection team by including the 4th respondent herein, who is now appointed as the Administrator under S.32(1), vide Ext P1 order.

CNR : KLHC010711542026 WP(C) No.32366 of 2026 9 2026:KER:86971 Though Ext.P7 order is dated 16.09.2026, they also did not exercise the power under Section 66(4) of the Act to take custody of any records in the custody of the Committee; instead, on the same day, Ext.P8 communication was issued intimating that the inspection will be conducted on 17.09.2026.

Petitioners would submit that after the issuance of the said notice, Ext.R2(c), the CEO of the MDRF requested additional time to consult their Advocate to get legal opinion in the matter, and the said request was considered and Ext.P15 was issued, and the inspection team granted additional time and informed that the team will be visiting the MDRF Office on 19.09.2026 for conducting the inspection and requested to furnish all the details/documents mentioned in the inquiry note to the inspection team during the scheduled visit. It is also submitted that it is after the said request been accepted by the Joint Director, Head of the Inspection Team and

granting time till 19.02.2026 that Ext.P1 order was issued on 18.09.2026, superseding the Committee. The only reason stated is that if an opportunity to file an objection as provided under Section 32(1) of the Act is granted to the petitioners, there is every chance for falsification of the records and for destruction of the evidence.

3. The specific case raised by the Senior Counsel appearing for the petitioners is that if they were given an opportunity to file an objection, they CNR : KLHC010711542026 WP(C) No.32366 of 2026 10 2026:KER:86971 could have very well explained to the Joint Director and apprised the fact that the reasons stated in Ext.P1 are not available for superseding the Committee.

In answer to the various charges raised in Ext.P1, the petitioners have given an explanation in the writ petition, which is extracted below:

> "30. CHARGE NO: 1- It is submitted that, the allegation mentioned in paragraph 1 of Ext P1 order that, after the year 2022 the Annual General Body of the 3 respondent Union has been convened four times and the committee members did not submit Annual Reports and Audited Accounts of the subsidiary institution, namely, MRDF, as per the stipulation in section 14AA(3) in any of the above said Annual General Body meetings is absolutely wrong and is factually false, misleading, and contrary to the record. The Committee members submitted the Annual reports and Audited accounts of MRDF in every Annual General Body meeting convened after the year 2022 and also in the earlier Annual General Body meetings. The earlier Management Committee members affiliated to the present ruling Party failed to get the approval from the Registrar for MRDF as a subsidiary institution as per Section 14 AA of the Act, which is neither the lapse of the previous committee (7th Committee) nor the present committee. The 7th elected Managing Committee of the 3 rd respondent Union which took charge on 05.02.2020 had, on the contrary, initiated steps for getting approval by submitting application on 13-05-2020 and the Registrar granted approval under S.14AA CNR : KLHC010711542026 WP(C) No.32366 of 2026 11 2026:KER:86971 (1) of the Act on 22.02.2022. A true copy of the order DDD/KER/4661/2021-Cl dated. 22-02-2022 of the 2 nd respondent is produced herewith and marked as Exhibit P10.
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> 31. It is submitted that the Audit at MRDF is completed up to the FY 2025-26. A true copy of the Audit Report of the last financial year (Consolidated Balance Sheet as on 31.03.2026) dated 19.08.2026 is produced herewith and marked as Exhibit.P11.
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> 32. For the past several years complete annual audits have been conducted by qualified Charted Accountants firms as is the practice right from the beginning and audited balance sheets and accounts are duly maintained. The audited financial statements of MRDF for every year are included in the booklet for the 3rd respondent Union's Annual General Body Meeting and submitted annually to the Director of the Dairy Development Department. At no point during these submissions were any issues regarding the accounts or the reporting format communicated either to the committee members or to the Managing Director of the 3 rd respondent Union. A true copy of the notice of AGM of the 3rd respondent Union issued to the 2nd respondent dated 19.10.2023 is produced herewith and marked as Exhibit P12. A true copy of the notice of AGM of the 3 rd respondent Union issued to the 2 nd respondent dated 09.10.2024 is produced herewith and marked as Exhibit P12(a).

A true copy of the notice of AGM of the 3 rd respondent Union issued to the 2nd respondent dated 10.09.2025 is produced herewith and marked as Ext.P12(b)A. true copy of the notice of CNR : KLHC010711542026 WP(C) No.32366 of 2026 12 2026:KER:86971 AGM of the 3rd respondent Union issued to the 2 nd respondent dated 03.09.2026 is produced herewith and marked as Exhibit.P12(c).

33. Further, among the Board of Directors of the 3 rd respondent Union one Director is nominated by the 2 nd respondent who is a Senior Officer of the administrative department, another Director is the Managing Director of the Kerala Co-operative Milk Marketing Federation and the 3 rd Director is the co-opted person from the National Dairy Development Board, approved by the Registrar. These persons are well aware of the fact that, in every Annual General Body Meeting of the 34 respondent Union from 2022 onwards the Annual reports and

Audited accounts of the subsidiary institution, namely, MRDF are incorporated in the Annual Report of the 3rd respondent Union.

34. Moreover, the approval of the annual report is made in the presence of the nominee of the Registrar. The nominee of the Registrar has never demurred till date on this score. Every year, before the Annual General Body meeting of the 3rd respondent Union Annual Reports of the 3% respondent Union are submitted for the consideration of the General Body which includes the Annual Reports and Audited accounts of MRDF as well. If the 2nd respondent had any reservations in the manner or format of presenting the Annual Reports and Audited accounts of MRDF, she could have intervened then and there and suggested any changes, if needed. This could have been done by issuing appropriate directions under S.66A of the CNR : KLHC010711542026 WP(C) No.32366 of 2026 13 2026:KER:86971 Act. A true copy of the Annual Report of the 3 rd respondent Union (relevant pages only) is produced herewith and marked as Exhibit P13.

35. It is pertinent to note that for the last 10 years the 3" respondent Union has not extended any financial assistance to MRDF at all. This fact has to be looked in to in the light of Rule 13A (5) of KCS Rules which stipulates as follows-

> "The auditor or team auditors of the promoting society shall audit the accounts of the subsidiary institutions to the extent of the financial assistance granted to such subsidiary institution by the promoting society".

Therefore, the allegation in Ext.Pl that the subsidiary institution, namely, MRDF was trying to conceal the irregularities and causing hindrances to the enquiry ordered vide Order No.DDDKER/2393/2026-C1 dated 16.09.2026 (Ext P9 herein) is absolutely far fetched and of no consequence whatsoever. Moreover, the stand taken by the subsidiary institution, namely, MRDF was in consonance with the clarification issued by this Honorable Court in WPC No.29384 of 2026 filed by MRDF limiting the scope of inspection to what is prescribed under R.13A(5) of the rules. A true copy of the judgment dated 01.09.2026 in WP (C) No.29834 of 2026 is produced herewith and marked as Exhibit P14.

36.That there was no attempt on the part of the officials of the subsidiary institution to block the inspecting team as alleged in Ext P1 order is evident from the letter of the CNR : KLHC010711542026 WP(C) No.32366 of 2026 14 2026:KER:86971 enquiry officer dated 17-09-2026 wherein it is stated in unambiguous terms that the CEO of the subsidiary institution, namely, MRDF had merely sought time for getting legal opinion in the matter. A true copy of the letter of the Joint Director (General) dated 17.09.2026 is produced herewith and marked as Exhibit P15.

37. CHARGE-2-It is absolutely wrong to state that the 3rd respondent Union has purchased low-quality milk from Sampathrao Deshmukh Co-operative Milk Union on 19.03.2025 and processed the milk at Kasaragod dairy without the required quality checks. In this context, it is submitted that the 3 rd respondent Union has been purchasing milk from this milk union for last several years as per the milk allotment of Kerala Milk Federation. In fact, the milk received at Kasaragod Dairy from Sampathrao Deshmukh Co-operative Milk Union on 20.03.2025 passed all chemical and microbiological quality tests at Dairy level. A true copy of the test report dated 20.03.2025 is produced herewith and marked as Exhibit P16.

38. No chemical adulterants and pesticides were detected in the said milk during internal dairy testing. A true copy of the test report dated 26.03.2025 is produced herewith and marked as Exhibit P17.

39. This additional milk is procured against advance payment based on allotments issued by the Kerala Co-operative Milk Marketing Federation from various inter-state co-operative dairies and multi-state co-operative dairies. As per the Purchase Order No. KCMMF: HO: MMG: 30:2022-23/4121 dated CNR : KLHC010711542026 WP(C) No.32366 of 2026 15 2026:KER:86971 21.03.2022 of the Managing Director KCMMF it was directed to pay Rs.50 lakhs as advance payment to Sampathrao Deshmukh Co-operative Milk Union. A true copy of the Purchase Order No. KCMMF:HO:MMG: 30:2022-23/4121 dated 21.03.2022, of the Managing Director KCMMF is produced herewith and marked as Exhibit P18.

40. The 2nd respondent has stated in Ext.P1 order that the advance payment is dubious which is absolutely incorrect. As per the bye-laws of the Federation and Union, the Union is bound to follow the directions of the Federation and hence the 3rd respondent Union merely complied with the direction. Presently the Thiruvananthapuram Union is making advance payments for purchasing milk from Maharashta state. This Union is administered by an Administrator who is a senior officer of the dairy development department.

41. Due to the consumer/dealer complaints with respect to the taste difference in sachet milk, preliminary enquiry was ordered vide Order No. MRU/MD/201/2025/346 dated 24.03.2025. A true copy of Order No. MRU/MD/201/2025/346 dated 24.03.2025 is produced herewith and marked as Exhibit P19.

42. The Dairy Manager was suspended with immediate effect vide order No.MRU/PER/176/96/1951 dated 25.03.2025. A true copy of order No.MRU/PER/176/96/1951 dated 25.03.2025 is produced herewith and marked as Exhibit P20.

43. An inquiry committee has been set up to CNR : KLHC010711542026 WP(C) No.32366 of 2026 16 2026:KER:86971 investigate the matter vide order No. MRU/PER/01/94/15 dated 01.04.2025. A true copy of order No. MRU/PER/01/94/15 dated 01.04.2025 is produced herewith and marked as Exhibit P21.

44. Action against the responsible officials will be taken after the committee completes its detailed inspection, which is currently underway. Therefore, the allegation that there has been no action taken against the employees responsible is wrong. The assertion in Ext.P1 order that sub-standard milk was purchased from the Sampath Rao Milk Union is therefore factually incorrect.

45. Milma's Kasaragod Dairy holds ISO 22000:2018 certification for international food safety standards and is fully equipped with proper facilities to stringently test the quality of incoming milk. The issue was strictly limited to a flavor defect. When the milk was initially received at the dairy, this defect was below the detectable threshold of sensory testing. However, the flavor defect became more pronounced after the milk packets reached the market. Due to this flavor defect, the milk packets were recalled from the market, and fresh replacements were made to customers from the Milma Kasaragod Dairy.

46. Malabar union daily handle 7 lakhs liters of milk totaling to 25.55 crores of liters of milk per year. This is for the first of its kind and last of its kind as of now. The union has taken lot of SOPs to prevent recurrence of such incidents. The issue happened during the FY 2024-25. A true copy of the statutory audit report for FY 2024-25 (relevant pages only) not dated is produced herewith and marked as Exhibit P22.

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47. Fluctuations in quality/spoilage during long transit are operational and technical plant-level matters handled at Dairy level, and cannot be attributed to the Managing Committee, which functions at a policy level. The loss indicated in Ext P1 order of Rs.27,45,000.00 is incorrect, since the actual loss will be calculated only after the completion of the detailed enquiry and this can be recovered from the supplier cooperative or the concerned officials based on the enquiry report.

48. CHARGE-3 In the Malabar Regional Union, stock verification is conducted at every stock point once every 15 days. It was during one such inspection that the stock variance was detected, and necessary action was initiated to recover the amount. The discrepancy regarding ghee stock was uncovered through the internal check mechanisms of the Union itself and not by any audit wing or through the administrative department. The union being such a huge organization and handling crores of crores of transactions per year there can occur humanitarian lapses which may not be purposeful mistake. Even such problem occurs in Government institutions, Banks etc. The Union immediately took decisive recovery measures, and the entire sum of Rs.84,45,000.00 was fully recovered from the contractor into the Union's account prior to 31.03.2026. Thus, the Union sustained nil financial loss. Allegation in the paragraph three of Ext P1 that Fasal Vydyan has been awarded with various contract of Malappuram Dairy even after detecting his malpractice is absolutely wrong.

No other contracts are currently allotted to Mr. Fasal Vydyan by the 3 rd respondent CNR : KLHC010711542026 WP(C) No.32366 of 2026 18 2026:KER:86971 Union.

49. On March 16, 2026, a surprise stock verification at the Malappuram Dairy Product Store revealed a significant inventory deficit, particularly in ghee bottle stock, managed under contract by Mr. Fasal Vydyan. A subsequent investigation established that contractor-deployed data entry staff had manipulated invoice generation and cancellation procedures in the billing software to mask ongoing stock leakages. The matter was immediately escalated to the Head Office, and a formal police complaint was registered at Kolathur Police Station. A true copy of the complaint addressed to the SHO, Kolathur Police Station dated 16.03.2026 is produced herewith and marked as Exhibit P23.

50. Upon being questioned, the contractor accepted full responsibility for his staffs' misconduct, waived further dispute, and requested time to make financial restitution. By March 30, 2026, the entire loss was fully recovered through direct bank transfer and bank guarantee encashment, enabling statutory Government auditors to certify complete stock accuracy on March 31, 2026. A true copy of the stock verification statement dated 31.03.2026 is produced herewith and marked as Exhibit P24.

51. Following full financial recovery, immediate administrative measures were implemented to safeguard operations. The product store management and cash collection contracts were terminated, and software access rights for invoice modification were permanently revoked from contractor CNR : KLHC010711542026 WP(C) No.32366 of 2026 19 2026:KER:86971 personnel. Consequently, Order No.MRU/MD/201/2025/346 dated 24.03.2025 Mr. Fasal Vydyan and associated entities have been permanently blacklisted from participating in future MRCMPU tenders and he currently holds zero active contracts with Malappuram Dairy. A true copy of the communication of the Managing Director of the 3 rd respondent Union dated 02.05.2026 is produced herewith and marked as Exhibit P25.

52. CHARGE-4 The Malappuram Dairy & Milk Powder Factory was completed at a total cost of ₹131.03 crore, making it the largest completed investment in Kerala across the public, private, and co-operative dairy sectors. The factory was inaugurated on December 24, 2024. This project fulfilled a long- standing desire of dairy farmers in Malappuram, which previously lacked a dairy plant. It aims to prevent disruptions in milk procurement during crises and fulfills a government plan to produce international-quality milk powder for local consumers. Following local demand and meetings with society leaders, a comprehensive organizing committee was formed to oversee the event. It included local representatives, members from major political parties, cultural and sports organizations, co-operators, dairy farmers, and local residents. The event was attended by lot of dignitaries, local body members, seminars, culture programmes, informative stalls, cattle exhibitions etc. A true copy of the brochure published in connection with the inauguration of the Malappuram Dairy is produced herewith and marked as Exhibit P26.

53. The joint event by Milma and MRDF featured an CNR : KLHC010711542026 WP(C) No.32366 of 2026 20 2026:KER:86971 Agri-Dairy Fest, agricultural and livestock exhibitions, a traditional industry expo, an ethnic food court, medical camps, and cultural programs. It also hosted policy seminars on reaching a 2-lakh-liter daily milk procurement target, workshops with dairy officials, and discussions on self-sufficiency in milk production. The Malappuram plant was established with Government support as a strategic solution to process excess milk into value added products like Dairy Whitener, ensuring guaranteed procurement and livelihood security for farmers. For a mega infrastructure project of Rs.131 Crores, organizing a fitting, widespread inaugural ceremony to mark this milestone achievement with public and farmer participation and its heads to the expenditure was also specified in the Managing Committee and was approved unanimously by the Managing Committee. A true copy of the decision of the Managing Committee of the 3" respondent Union dated 22.12.2024 is produced herewith and marked as Exhibit P27.

54. An MoU with Lulu group was also signed in the function for export of milma products to gulf countries. Characterising legitimate promotional and inaugural expenditure of such a historic project as "extravagance" is biased and baseless. The entire financial transaction of Malabar Milk Union was audited by the renowned

Chartered Accountants M/s Varma & Varma with more than 90 years of experience in the auditing field. Our Internal Auditors and statutory auditors had not found out any discrepancies in the transactions and account heads with respect to the inauguration of Malappuram Dairy.

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55. Dairy whitener is a product that faces intense competition in the Kerala market. The inauguration ceremony of the Malappuram Dairy was effectively utilized to generate necessary publicity for the milk powder produced by Milma, positioning it to compete with major food manufacturers like Amul and Nestle. As a result, the Malabar Regional Union, which previously sold around two tons of milk powder per month, is currently able to sell over 50 tons of milk powder per month. The false allegation with respect to the Powder Plant is suspected to help the private players in the competitive Dairy Whitener Market.

56. The Board meeting approving the expenditure for the Malappuram Dairy inauguration included representation from the Dairy Development Department. Additionally, the present Registrar/Director and almost all senior officials of the Dairy Development Department actively attended the function. No concerns or objections were raised regarding the event at that time.

57. The Director Department of Dairy Development herself conducts state dairy fest every year. For this event they spent more than 3 crores for conducting 3 days mega mela popularly known as "Padavu'". This expenditure is spent without any audit and internal financial control measures. A part of money is coming for this programme from exchequer and rest of the money comes from Milma, primary societies etc. The petitioners in several meetings demanded for a proper accounting and auditing of the programme PADAVU for which CNR : KLHC010711542026 WP(C) No.32366 of 2026 22 2026:KER:86971 registrar has never yielded to it. Even the C&AG audit is not done so far. Several vigilance complaints have been raised with respect to this expenditure.

58. CHARGE-5-It is stated in Ext.P1 order issued by the 2nd respondent that an event was allegedly organized at Malappuram Dairy at an expense of ₹25 lakh to sign a MoU for securing a ₹50 lakh grant. However, the Regional Union has not conducted any such event and received any such grant and did not spend an amount of Rs.25 lakhs to conduct such an event. Therefore, the said allegation is absolutely wrong and against the facts.

59. CHARGE-6- The allegation of willful default or dereliction of duty against the Managing Director is factually incorrect. The Managing Director has acted strictly within the purview of the Act and rules and bye-laws and the decision of the Managing Committee.

60. Under Section 19A read with Rule 53 of the KCS Act and Rules, the Managing Director is the Chief Executive Officer (CEO) and an ex-officio member/convener of the Managing Committee. The MD's primary legal duty is to execute the decisions, policies, and formal resolutions passed by the Board. The general management, control, and administration of a Cooperative Society are vested entirely in its Managing Committee (Board). When the MD acts it is pursuant to a resolution passed by the Board. As per the cause No. 21.2.13 of the registered bye-laws of 3 rd respondent Union, any severe action against Managing Director can be taken only with the CNR : KLHC010711542026 WP(C) No.32366 of 2026 23 2026:KER:86971 prior concurrence of the National Dairy Development Board and KCMMEF. A true copy of the relevant page from the bye-laws of the 3rd respondent Union is produced herewith and marked as Exhibit P28."

4. A detailed counter affidavit has been filed by the 2 nd respondent, wherein in paragraph 6 it is stated that the statutory inspection team visited the premises of the MRDF on 17.09.2026 after due notice, the management of the MRDF, acting under the directions of the petitioners, who constitute the Managing Committee of the promoter society and its Managing Director, willfully and concertedly obstructed the inspection, raised untenable contentions and prevented the team from verifying the Books of Accounts, as discernible from Ext.R2(c). The conduct on 17.09.2026, one day prior to Ext.P1, is conclusive proof that any further notice under Section 32(1) of the Act would have been an empty formality and would have been similarly obstructed and frustrated. Over and above the said contention, various allegations are raised in the counter affidavit stating that there are serious instances of malpractices and mismanagement, which resulted in issuance of Ext.P1. It is

also contended by the learned Advocate General appearing for the State that the petitioners have an effective alternative remedy of filing an CNR : KLHC010711542026 WP(C) No.32366 of 2026 24 2026:KER:86971 appeal against Ext.P1 and, therefore, the writ petition is not maintainable.

5. Counter affidavit is also filed by respondents 3 & 4 alleging that various illegalities were found and thereupon the Committee was superseded and further that a complaint was raised and Ext.R3(a) FIR has been registered. It is further stated that if a chance was given to file their objection as provided under Section 32(1) of the Act, it would have definitely resulted in tampering with the evidence, to conceal their malpractices.

6. I have heard Senior Advocate, Shri. P. Deepak, appearing for the petitioners; learned Advocate General for the State; Adv. P.N. Mohanan, learned counsel appearing for respondents 3 and 4 and also Adv. M. Sasindran, learned counsel appearing for respondents 8 to 13.

7. This Court is to consider whether issuance of Ext.P1 order without affording an opportunity to the petitioners to state their objection as provided under Section 32(1) and the dispensation of consulting the financing Bank and the State Co-operative Union as required under Section 32(2) of the Act is in accordance with law. This Court will be examining the said aspect essentially on the basis of the reasoning given in Ext.P1 not to provide such opportunity, i.e., if time is granted to submit their objections, there is every chance for tampering with the evidence and falsification of the documents.

CNR : KLHC010711542026 WP(C) No.32366 of 2026 25 2026:KER:86971 The law on the point has been well settled by the Division Bench of this Court in Rajeevan T.V & others v. K.A Sukumaran & others [2013 (3) KHC 46], wherein it is held that supersession of an elected Managing Committee or Board is an exception and can be resorted to only in very exceptional circumstances and normally an elected body shall be allowed to complete the term for which it was elected. In that case, notice was dispensed with, and no opportunity was afforded to the committee to state their objections by invoking the powers under Section 32(3) of the Act. While rejecting the contention of the Government that the practicability mentioned in Section 32(3) of the Act is not physical practicability, but logical practicability, this Court in paragraph No. 9 of the judgment had occasion to observe thus: "We are not inclined to subscribe to the contention of the learned Government Pleader that the practicability mentioned in S.32(3) of the Act is not physical practicability, but, logical practicability, taking into account all the facts including the seriousness of the allegations raised against the members of the Managing Committee and the probable result of giving such an opportunity, granting them time, which has to be considered while deciding to dispense with the opportunity.

We are of the opinion that the words "it is not reasonably practicable to do so", qualifies the opportunity to the committee to state its objections and CNR : KLHC010711542026 WP(C) No.32366 of 2026 26 2026:KER:86971 nothing else. It is settled law that an exception in an enactment has to be construed strictly." and further held in para 23 of the Judgment as follows "What is relevant is whether it is practically not possible to issue notice and give an opportunity to explain. It is not the gravity of allegations or irregularities noticed during inspection that matters, to avoid issuance of the notice. Notice contemplated under Section 32(1) can be dispensed only if it is not practical to issue notice to the Managing Committee and not based on the allegations in the report. Despite the fact that there are serious allegations, only in an instance where it is not practically possible to issue notice to the Managing Committee on account of various factors like failure of the Managing Committee in not accepting notice, the members of the Managing Committee not available to receive notice that an immediate seizure of all the books of the bank is required for verification etc. that such serious attempt can be made to supersede an elected body. The fact that the statute itself had given an opportunity in the form Section 32(1) to the Managing Committee to explain the irregularities or the mistakes or the defaults which are brought to their notice during inspection by itself indicates that it is not the allegations in the report that matters in order to avoid a notice but the practical difficulty in issuing notice to the members of the committee."

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8. A similar issue was considered by this Court in Managing Committee, Vellathooval Service Co-operative Bank Ltd. v. Joint Registrar of Co-operative Societies (General) [2020 KHC 553] and held that, the words in Section

32(3) "it is not reasonably practicable to do so", only mean that whether it is practically impossible to issue notice and give an opportunity to explain and consult, and it is not the gravity of allegations or irregularities noticed during inspection that matters, to avoid issuance of the notice.

9. Further, the Apex Court in Sanjay Nagayach v. State of Karnataka (2013 KHC 4422) has held that in the matter of supersession of a democratically elected committee, the decision should be based on some objective criteria.

10. As contended by the learned Senior Counsel for the petitioners Shri. P. Deepak, Ext.P2 order was issued, almost a month before Ext.P1 order, to conduct a comprehensive inquiry into the allegations against the Committee of the 3rd respondent and including the subsidiary institution namely Malabar Rural Development Foundation (MRDF). Exts.P3 & P4 communications were submitted by the petitioners as well as the Managing Director, extending their complete co-operation to the proposed inquiry. If the CNR : KLHC010711542026 WP(C) No.32366 of 2026 28 2026:KER:86971 inspection team had any apprehension that documents would be destroyed or evidence would be tampered with, they had ample opportunity to seize such documents from the date of Ext.P1 itself, ie., on 19.08.2026. But they did not do so, and Ext.P5 communication was issued intimating that the inspection will be held on 16.09.2026. But on 11.09.2026, Ext.P6 communication dated 11.09.2026 was issued intimating that the inspection has been deferred sine die. Further, on a request made by the CEO of MDRF seeking time for production of documents, by Ext.P15 communication, the inspection team granted time till 19.09.2026 and intimated that the inspection would be conducted on that day. A perusal of Ext.R2(c), which is the report submitted by the Joint Director, the Head of the Inspection team, to the Director, also reveals that the Managing Director of the MRDF sought time for production of documents and time has already been granted as per Ext.P15. In the counter affidavit filed by the 2nd respondent it is stated that on 17.09.2026 when the inspection team visited the premises, acting under the directions of the petitioners, who constitute the Managing Committee of the promoter society, and its Managing Director, willfully and concertedly obstructed the inspection, raised untenable contentions and prevented the team from verifying the Books of Accounts. If in fact there was an obstruction caused under the leadership of CNR : KLHC010711542026 WP(C) No.32366 of 2026 29 2026:KER:86971 the Managing Committee members, including the petitioners and has prevented the team from verifying the Books of Accounts, naturally there was no occasion for the inspection team to have issued Ext.P15 granting additional time till 19.09.2026 for production of the documents. Further, in Ext.R2(c) report submitted on 17.09.2026, there is no whisper regarding any obstruction caused by the Managing Committee members, including the petitioners.

Further, there is nothing stated even in Ext P1 order of supersession regarding any such obstruction caused to the inspection team and such a contention is raised only in the counter affidavit. Therefore, the said contention raised in paragraph 6 of the counter affidavit can only be treated as an afterthought, so as to issue Ext P1 order of supersession without granting an opportunity to the petitioner and the bank to file their objection and consultation as provided in Section 32 (1) and (2) of the Act. It is also to be noted that the authorities had time from 19.08.2026, the date of issuance of Ext.P2 inspection notice, till the issuance of Ext.P1, ie. almost a month after, had sufficient time to conduct inspection and to seize documents, which are required to preserve the evidence against the petitioners regarding their misconduct as alleged against them.

11. Taking into consideration the above facts and circumstances, I CNR : KLHC010711542026 WP(C) No.32366 of 2026 30 2026:KER:86971 am of the view that the supersession of the committee as per Ext.P1, without following the mandate of Sections 32(1) & 32(2) of the Act is without any basis and against law and is liable to be interfered with.

12. Yet another aspect to be noted is that even though Ext.P1 was challenged before this Court, this Court was not inclined to grant an interim order staying the operation of Ext.P1 and, as per the order dated 23.09.2026, this Court has only made it clear that among the petitioners, who are members of the Board of Milma Federation, shall be permitted to continue as such, for a period of ten days and the said interim order was extended further. Since the operation of Ext.P1 was not stayed by this Court, at least from September, 2026 till

date, ie. 10.11.2026, the authorities had sufficient opportunity to inspect the premises and also to seize documents that are relevant to prove the allegations raised against the petitioners.

Taking into consideration the above facts and circumstances, I am inclined to dispose of this writ petition with the following directions:

(i) Ext P1 order of supersession is set aside.

(ii) Ten days' time more is granted from today to the inspection team to seize documents, if any, to prove the allegations against the petitioners.

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(iii) After the expiry of the said period, i.e., on 24.11.2026 the respondents shall reinstate the Managing Committee of the Union, replacing the administrator and permit the petitioners to continue in the Office as members of the Board of Directors/ Managing Committee of the 3rd respondent-Bank.

(iv) The inspection team shall complete the inspection within a further period of one month from the date of receipt of a copy of this judgment. Thereafter, based on the same, further proceedings in the matter shall be initiated and finalised by the 2nd respondent after complying with the mandate of Sections 32(1) & 32(2) of the Act and fresh orders shall be passed in place of Ext.P1 within a period of one month thereafter.

(v) Till orders are passed as directed above, the Managing Committee of the Bank, which is ordered to be reinstated by this judgment, shall only carry out the day-to-day activities of the Society and shall not take any policy decision.

(vi) If the inquiry and the proceedings, if any, under Section 32(2) of the Act are not completed within the time granted by this Court, after the expiry of the said period, the Managing Committee is CNR : KLHC010711542026 WP(C) No.32366 of 2026 32 2026:KER:86971 empowered to take policy decisions in accordance with law.

Sd/-

VIJU ABRAHAM JUDGE sp CNR : KLHC010711542026 WP(C) No.32366 of 2026 33 2026:KER:86971 APPENDIX OF WP(C) NO. 32366 OF 2026 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE ORDER NO.

DDDKER2393/2026 OF THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT/REGISTRAR OF CO-

OPERATIVE SOCIETIES DATED 18.09.2026 Exhibit P2 A TRUE COPY OF THE ORDER NO.

DDDKER2393/2026-C1 OF THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT/REGISTRAR OF CO-

OPERATIVE SOCIETIES DATED 19.08.2026 Exhibit P3 A TRUE COPY OF THE LETTER OF THE MANAGING DIRECTOR OF THE 3RD RESPONDENT DATED 21.08.2026 ADDRESSED TO THE 2ND RESPONDENT Exhibit P4 A TRUE COPY OF THE LETTER OF THE 1ST PETITIONER DATED 01.09.2026 ADDRESSED TO THE 2ND RESPONDENT Exhibit P5 A TRUE COPY OF THE COMMUNICATION OF THE JOINT DIRECTOR (GENERAL) DATED 05.09.2026 ADDRESSED TO THE CEO. MALABAR RURAL FOUNDATION Exhibit P6 A TRUE COPY OF THE COMMUNICATION OF THE JOINT DIRECTOR (GENERAL) DATED 11.09.2026 ADDRESSED TO THE CEO. MALABAR RURAL FOUNDATION Exhibit P7 A TRUE COPY OF THE ORDER NO.

DDDKER2393/2026-C1 OF THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT/REGISTRAR OF CO-

OPERATIVE SOCIETIES DATED 16.09.2026 Exhibit P8 A TRUE COPY OF THE COMMUNICATION OF THE JOINT DIRECTOR (GENERAL) DATED 16.09.2026 ADDRESSED TO THE CEO. MALABAR RURAL FOUNDATION Exhibit P9 A TRUE COPY OF THE COMMUNICATION OF THE 2ND RESPONDENT DATED

16.09.2026 BEARING NUMBER DDDKER/3254/2026-C1 CNR : KLHC010711542026 WP(C) No.32366 of 2026 34 2026:KER:86971 Exhibit P9(a) TRUE COPY OF THE INTERIM ORDER DATED 24.07.2026 IN WPC NO: 24550 OF 2026 Exhibit P10 A TRUE COPY OF THE ORDER DDD/KER/4661/2021-C1 DATED. 22-02-2022 OF THE 2ND RESPONDENT Exhibit P11 A TRUE COPY OF THE AUDIT REPORT OF THE LAST FINANCIAL YEAR (CONSOLIDATED BALANCE SHEET AS ON 31.03.2026) DATED 19.08.2026 Exhibit P12 A TRUE COPY OF THE NOTICE OF AGM OF THE 3RD RESPONDENT UNION ISSUED TO THE 2ND RESPONDENT DATED 19.10.2023 Exhibit P12(a) A TRUE COPY OF THE NOTICE OF AGM OF THE 3RD RESPONDENT UNION ISSUED TO THE 2ND RESPONDENT DATED 09.10.2024 Exhibit P12(b) A TRUE COPY OF THE NOTICE OF AGM OF THE 3RD RESPONDENT UNION ISSUED TO THE 2ND RESPONDENT DATED 10.09.2025 Exhibit P12(c) A TRUE COPY OF THE NOTICE OF AGM OF THE 3RD RESPONDENT UNION ISSUED TO THE 2ND RESPONDENT DATED 03.09.2026 Exhibit P13 A TRUE COPY OF THE ANNUAL REPORT OF THE 3RD RESPONDENT UNION (RELEVANT PAGES ONLY) Exhibit P14 A TRUE COPY OF THE JUDGMENT DATED 01.09.2026 IN WP (C) NO.29834 OF 2026 Exhibit P15 A TRUE COPY OF THE LETTER OF THE JOINT DIRECTOR (GENERAL) DATED 17.09.2026 Exhibit P16 A TRUE COPY OF THE TEST REPORT DATED 20.03.2025 Exhibit P17 A TRUE COPY OF THE TEST REPORT DATED 26.03.2025 Exhibit P18 A TRUE COPY OF THE PURCHASE ORDER NO.

	KCMMF: HO: MMG: 30:2022-23/4121 DATED 21.03.2022, OF THE MANAGING DIRECTOR KCMMF
Exhibit P19	A TRUE COPY OF ORDER NO. MRU/MD/201/2025/346 DATED 24.03.2025
Exhibit P20	A TRUE COPY OF ORDER NO. MRU/PER/176/96/1951 DATED 25.03.2025

Exhibit P21	A TRUE COPY OF ORDER NO. MRU/PER/01/94/15 DATED 01.04.2025
Exhibit P22	A TRUE COPY OF THE STATUTORY AUDIT REPORT FOR FY 2024-25 (RELEVANT PAGES ONLY) NOT DATED
Exhibit P23	A TRUE COPY OF THE COMPLAINT ADDRESSED TO THE SHO, KOLATHUR POLICE STATION DATED 16.03.2026
Exhibit P24	A TRUE COPY OF THE STOCK VERIFICATION STATEMENT DATED 31.03.2026
Exhibit P25	A TRUE COPY OF THE COMMUNICATION OF THE MANAGING DIRECTOR OF THE 3RD RESPONDENT UNION DATED 02.05.2026
Exhibit P26	A TRUE COPY OF THE BROCHURE PUBLISHED IN CONNECTION WITH THE INAUGURATION OF THE MALAPPURAM DAIRY
Exhibit P27	A TRUE COPY OF THE DECISION OF THE MANAGING COMMITTEE OF THE 3RD RESPONDENT UNION DATED 22.12.2024
Exhibit P28	A TRUE COPY OF THE RELEVANT PAGE FROM THE BYELAWS OF THE 3RD RESPONDENT UNION
Exhibit P31	A TRUE COPY OF THE REQUEST OF THE CEO,

	MRDF AND THE REPLY OF THE JOINT DIRECTOR (GENERAL) DATED 17.09.2026
Exhibit P32	A TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 01.10.2026
Exhibit P29	A TRUE COPY OF THE KERALA COOPERATIVE SOCIETIES (AMENDMENT) ACT, 2023 (RELEVANT PAGES ONLY) PUBLISHED IN THE OFFICIAL GAZETTE DATED 07.06.2024
Exhibit P30	A TRUE COPY OF THE KERALA COOPERATIVE SOCIETIES (SECOND AMENDMENT) RULES, 2024 (RELEVANT PAGES ONLY) PUBLISHED IN THE OFFICIAL GAZETTE DATED 31.12.2024

RESPONDENT EXHIBITS

EXHIBIT R3(a)	TRUE COPY OF THE FIR DATED 21.09.2026 FILED BEFORE THE JUDICIAL FIRST CLASS

	MAGISTRATE COURT KUNNAMANGALAM
EXHIBIT R2(c)	TRUE COPY OF THE REPORT DATED 17.09.2026
EXHIBIT R2(a)	TRUE COPY OF THE ORDER BEARING

No.DDD/KER/2393/2026-C1 DATED 19.08.2026 EXHIBIT R2(b) TRUE COPY OF THE REVISED ORDER DATED 16.09.2026 EXHIBIT R2(d) TRUE COPY OF THE FIRST INFORMATION REPORT No.682/2026, LODGED AGAINST THE CHIEF EXECUTIVE OFFICER OF THE MRDF, BY THE KUNNAMANGALAM POLICE STATION, KOZHIKODE CITY, BEARING DATE 21.09.2026 Exhibit R3(b) TRUE COPY OF THE ORDER DATED 01.10.2026 OF THE FIRST RESPONDENT Exhibit R3(c) TRUE COPY OF THE FIR DATED 06.10.2026 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM Exhibit R3(d) TRUE COPY OF THE AUDIT NOTE DATED 05.10.2026 Exhibit R3(e) TRUE COPY OF THE REPORT DATED 12.04.2025 OF THE COMMITTEE Exhibit R3(f) TRUE COPY OF THE REPORT DATED 31.03.2026 PREPARED BY THE MRCMPU Exhibit R3(g) TRUE COPY OF THE LETTER DATED 17.09.2026 OF THE CEO MRDF Exhibit R3(h) TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DATED 22.10.2026 Exhibit R3(i) TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 22.10.2026