

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

OP(C).No. 269 of 2015 (O)

OP(ELECTION) NO. 421/2010 OF DISTRICT COURT, KOZHIKODE

PETITIONER :

**SINDHU MUYIAZHI
W/O.SURESH, AGED 38 YEARS
MUYIAZHI HOUSE, PALAYAD NADA P.O.,
PALAYAD AMSOM, MEENATHUKARA DESOM,
VADAKARA TALUK, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENTS :

- 1. USHA V.T., AGED 51 YEARS
D/O.CHAPPAN, THEKKE KUNNUPURATH, KEEZHUR P.O.,
THRIKKOTTUR AMSOM AND DESOM, VADAKARA TALUK
KOZHIKODE DISTRICT, PIN-673503.**
- 2. BINITHA KURUMANNIL, AGED 42 YEARS
W/O.RAJAN KURUMANNIL, KEEZHUR, MELADI AMSOM
KEEZHUR DESOM, VADAKARA TALUK, KOZHIKODE DISTRICT
PIN-673 503.**
- 3. AYISHA PUTHUKKUL, AGED 37 YEARS
W/O.SIRAJ ANSAR, KOTTAKKAL
IRIGNAL AMSOM AND KOTTAKKAL DESOM, VADAKARA TALUK
KOZHIKODE DISTRICT, PIN-673503.**
- 4. RETURNING OFFICER (DISTRICT COLLECTOR)
NO. 11, KOZHIKODE DISTRICT PANCHAYATH, CIVIL STATION P.O.,
KOZHIKODE-673020**
- 5. C.K. MOHANAN
RETURNING OFFICER, B 123,
THODANNUR BLOCK PANCHAYATH (DEPUTY COLLECTOR,
VIGILANCE NORTH ZONE), NEDUNGOTTUR AMSOM DESOM
CIVIL STATION, KOZHIKODE, PIN-673020 (STRIKE OFF)**

6. STATE ELECTION COMMISSION
ELECTION COMMISSION OFFICE
THIRUVANANTHAPURAM-695001 (STRIKE OFF)

7. KOZHIKODE DISTRICT PANCHAYATH
DISTRICT PANCHAYATH BHAVAN, CIVIL STATION P.O.,
KOZHIKODE-673020, NEDUNGOTTUR AMSOM DESOM
REPRESENTED BY SECRETARY

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

OP(C).No. 269 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1:- TRUE COPY OF O P ELECTION NO 421/2010 PENDING ON THE FILE OF
 THE LEARNED DISTRICT COURT, KOZHIKODE.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.BHAVADASAN, J.

O.P.(C) No. 269 of 2015

Dated this the 02nd day of February, 2015

J U D G M E N T

The election of the first respondent in O.P.(Election) No.421/2010 was put in issue by the petitioner before the court concerned under Sections 88, 89, 102(1), (a)(1)(d)(iii), (iv), 103(a) of the Kerala Panchayat Raj Act.

2. The grievance of the petitioner is that the evidence was taken long ago and under the pretext of adducing evidence, respondents wanted to examine a witness to whom summons was issued but he could not be examined due to various reasons given by the first respondent. The matter is therefore being unnecessarily dragged on to prejudice of the rights of the petitioner. The petitioner apprehends that if this is allowed to continue, the period of election would be over and no purpose would be served by the petition, even if the petitioner is able to succeed in the same. Under these circumstances, the

petitioner prays for a direction to the court below to take immediate steps and have the matter disposed of.

3. There seems to be genuine grievance as far as the petitioner is concerned. The petition is of the year 2010 and as going by the statutory provision, this petition is to be disposed of within six months from the date of filing of O.P.. Almost more than 4 years have elapsed.

4. In the light of the order that is proposed to be passed on this petition, it is felt that notice to the respondents is unnecessary.

This petition is disposed of directing the court below to complete the trial within a period of one month from today and dispose of the O.P. within two weeks thereafter.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge