

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

OP(C).No. 1384 of 2015 (O)

OS.NO.243/2015 OF PRINCIPAL MUNSIF COURT, KOCHI

PETITIONER(S):

SAJAN MANNALI, AGED 59 YEARS,
S/O.LATE SRI.VISWANATHAN MANNALI K.K., ADVOCATE,
MANORAMA, CHULLIKAL, KOCHI-5

BY ADVS.SRI.P.M.MOHAMMED SHIRAZ
SMT.G.R.MANJU

RESPONDENT(S):

1. T.K.PADMANABHAN MASTER, RETURNING OFFICER,
S.N.D.P. YOGAM KOCHI UNION- ELECTIONS 2015,
THURUTHU PARAMBIL HOUSE, KADAVANTHRA P.O.
KOCHI-682020.
2. S.N.D.P. YOGAM KOCHI UNION,
THOPPUMPADY, KOCHI-682005, REP. BY ITS SECRETARY,
SRI.M.S.SABU, S/O.SIDHAN, THUNDIPARAMBIL HOUSE
PALLICHAL ROAD, KOCHI-680006.
3. A.K.SANTHOSH, AGED 58 YEARS,
PRESIDENT, S.N.D.P. YOGAM KOCHI UNION,
S/O.LATE KARTHIKEYAN, ARAKATHARA HOUSE,
NAMBIYAPURAM ROAD, PALLURUTHY, KOCHI-680006.
4. M.S.SABU, AGED 57 YEARS,
S/O.LATE SIDHAN, SECRETARY, S.N.D.P. YOGAM KOCHI UNION,
THUNDIPARAMBIL HOUSE, PALLICHAL ROAD, KOCHI-680006.
5. VELLAPPILLY NATESAN,
GENERAL SECRETARY, SNDP YOGAM, KOLLAM-691001.

R1-R2 BY ADVS. DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 01-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE PHOTOCOPY OF NOTICE DATED 1.6.2015 OF THE ANNUAL GENERAL BODY OF SNDP YOGAM KOCHI UNION.
- EXT.P-2: TRUE PHOTOCOPY OF BYELAW 49 TO 53 OF SNDP UNION BYLAW, 2010
- EXT.P-3: TRUE PHOTOCOPY OF SPECIMEN NOMINATION FORM.
- EXT.P-4: TRUE PHOTOCOPY OF CERTIFICATE DATED 8.6.2015 OF SECRETARY, SNDP YOGAM BR.NO.1364
- EXT.P-5: TRUE PHOTOCOPY OF THE APPEAL DATED 11.6.2015 SUBMITTED BY THE PETITIONER
- EXT.P-6: TRUE PHOTOCOPY OF PLAINT IN O.S.NO.243 OF 2015
- EXT.P-7: TRUE PHOTOCOPY OF I.A.NO.1400/15 IN O.S.NO.243/2015
- EXT.P-8: TRUE PHOTOCOPY OF I.A.NO.1403/15 IN O.S.NO.243/2015
- EXT.P-9: TRUE PHOTOCOPY OF DAILY STATUS REPORT IN OS/0200243/2015 OF PRINCIPAL MUNSIF, KOCHI.
- EXT.P-10: TRUE PHOTOCOPY OF NOTICE DATED 13.6.2015 OF THE ADVOCATE COMMISSIONER IN O.S.NO.243/15 OF MUNSIF COURT, KOCHI.
- EXT.P11: TRUE PHOTOCOPY OF INTERIM REPORT DATED 15/6/15 OF THE ADVOCATE COMMISSIONER
- EXT.P12: TRUE PHOTOCOPY OF LETTER NO.A4/931/2015 DATED 12/6/15 OF THE R4
- EXT.P13: TRUE PHOTOCOPY OF THE POSTAL COVER IN WHICH EXHIBIT 1(A) WAS RECEIVED
- EXT.P14: TRUE PHOTOCOPY OF ELECTION CONDITIONS PUBLISHED BY R1

RESPONDENT(S)' EXHIBITS

- EXT.R1(A): TRUE COPY OF THE ORDER PASSED BY THE GENERAL SECRETARY OF SNDP YOGAM DATED 17/6/15.

/ TRUE COPY /

P.S. TO JUDGE

B.KEMAL PASHA, J.

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O.P.(C).No.1384 of 2015

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Dated this the 1st day of July, 2015

J U D G M E N T

The main grievance highlighted is that the petitioner was not permitted to contest the election. That problem is over as an appeal has been filed before the appellate authority by the petitioner and presently, that appeal has been allowed. The petitioner is permitted to contest the election. The next one is with regard to the election notification. Now, it has become necessary to issue a fresh notification for the election. Let a fresh notification be issued.

2. According to the petitioner, the petitioner has no

faith in the present Returning Officer, as there is an allegation that he is acting for and on behalf of the respondents. The petitioner has expressed his willingness to pay Bata required for the appointment of an Advocate Commissioner for conducting the election. Both the learned counsel for the petitioner and the respondents suggest that Adv.Sri.K.P.Pradeep can be appointed as Commissioner for the conduct of a smooth election. Adv. Sri.K.P.Pradeep is appointed as the Advocate Commissioner. The petitioner shall pay an initial Bata of ₹25,000/- to the Advocate Commissioner. The Advocate Commissioner shall see the election is conducted as per the Byelaws at the earliest. Both the parties shall co-operate with the smooth conduct of the election.

This Original Petition (Civil) is disposed of as above.

Sd/-

B.KEMAL PASHA
JUDGE