

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

RP. No.5 of 2015 IN WP(C).35121/2010

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AGAINST THE JUDGMENT IN WP(C) NO.35121/2010 OF HIGH COURT OF
KERALA DATED 22/11/2014.**

REVIEW PETITIONER(S)/5TH RESPONDENT:

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RAVI NAMBOODIRI,
MEMBER, ANNAMANADA GRAMA PANCHAYATH),
S/O.KRISHNAN NAMBOODIRI, KADAVATTATH HOUSE,
ERAYAMKUDDY P.O., KALLOOR THEKKUMMURI VILLAGE,
THRISSUR - 680 308.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/PETITIONERS AND RESPONDENTS 1 TO 4 AND 6 TO 9:

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- 1. LATHA KUMARAN, W/O.KUMARAN C.K
CHEMBANNUKARAN HOUSE, WEST KORATTY DESOM,
KALLOOR THEKKUMMURI VILLAGE,
THRISSUR DISTRICT, KERALA, INDIA - 680 308.**
 - 2. THOMAS K.K, S/O.KOCHUVAREED,
KANNAMPUZHA HOUSE, PALISERY DESOM,
KALLOOR THEKKUMMURI VILLAGE, THRISSUR DISTRICT, KERALA,
INDIA - 680 308.**
 - 3. THE RETURNING OFFICER,
ANNAMANADA GRAMA PANCHAYATH, ANNAMANADA- 680 741.**
 - 4. THE SECRETARY,
KERALA STATE ELECTION COMMISSION,
TRIVANDRUM - 695 001.**
 - 5. STATE ELECTION COMMISSION,
KERALA STATE ELECTION COMMISSION, PALAYAM,
TRIVANDRUM - 33.**
 - 6. ANNAMANADA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, ANNAMANADA P.O.,
THRISSUR - 680 741.**

:2:

- 7. K.A.BAIJU, MEMBER,
ANNAMANADA GRAMA PANCHAYATH), S/O.ANTONY,
KUDILINGAL HOUSE, KOMBIDI DESOM, POOVATHUSSERI P.O.,
THRISSUR DISTRICT - 680 741.**
- 8. SINDHU JAYAN, MEMBER,
ANNAMANADA GRAMA PANCHAYATH, W/O.JAYAN,
VELLIMATTATHU HOUSE, VALOOR, CHERUVALOOR P.O.,
THRISSUR DISTRICT - 680 321.**
- 9. P.D.JOSE, S/O.DEVASSY,
PAROKKARA HOUSE, P.O.MAMBRA, PIN - 680 308.**
- 10. SUNITHA SAJEEVAN, W/O.SAJEEVAN
PLAKKATHARA HOUSE, VENOOR PADAM P.O.,
ANNAMANADA- 680 741.**

**R4 & R5 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM
R6 BY SRI.C.A.CHACKO
R1 & R2 BY SRI.FRANCO T.J.
R7 & R8 BY SRI.K.N.PADMAKUMAR**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

KRJ

RP.No.5 of 2015

APPENDIX

REVIEW PETITION'S ANNEXURES:

A1:- COPY OF THE ORDER DATED 27.12.2013 ISSUED BY THE KERALA STATE ELECTION COMMISSION.

A2:- COPY OF THE ORDER DATED 10.01.2014 IN W.P(C) NO.781 OF 2014 PASSED BY THIS HON'BLE COURT.

RESPONDENT'S ANNEXURES:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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R.P No.5 of 2015

in

W.P(C) No.35121 of 2010

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Dated this the 19th day of January, 2015

ORDER

The 5th respondent in the writ petition has come up with this review petition.

2. The writ petition was filed to quash Ext.P4 pertaining to the constitution of Development Standing Committee of Annamanada Grama Panchayat and also for a direction to the second respondent to take up Exts.P1 and P5, and also to declare that the first petitioner's vote is valid.

3. This court by judgment dated 22.11.2014 found that what is required under Rule 8 of the Kerala Panchayath Raj (Standing Committee) Rules, 2000 is only writing of priority legibly on the ballot paper in the order of one, two, three and so

on against the name of each candidates as may be elected. The first respondents in the writ petition, who was the Returning Officer, had found an extraneous reason to reject the vote of the first petitioner, which was prima facie, illegal and irregular. Therefore, this Court found that the first respondent have violated the aforesaid rule while considering the vote cast by the first petitioner.

4. The learned counsel for the petitioner would submit that as per the ballet paper issued by the Returning Officer, there was a direction to mark preference in words. A copy of the ballet paper was also made available for my perusal. It can be seen that it was not the requirement of the rule, but was only an incorporation of the Returning Officer himself. Therefore, I see no justifiable reason to review the judgment of this Court dated 22.11.2014.

5. Though it is strenuously argued by the learned counsel for the review petitioner that the counter petitioner is disqualified for other reasons, that is not germane for consideration in this review petition.

As this Court finds no error apparent on the face of record calling for a review, this review petition is dismissed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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