

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

RP.No. 578 of 2015 () IN FAO.102/2015

AGAINST THE JUDGMENT IN FAO 102/2015 of HIGH COURT OF KERALA DATED
25-06-2015

REVIEW PETITIONER/APPELLANTS/DEFENDANTS

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1. SREE NARAYANA CHARITABLE TRUST
GURUDEVAPURAM, CHENKOTTUKONAM
THIRUVANANTHAPURAM
(REP. BY K.JYOTHIS, SECRETARY IN CHARGE)
 2. SUJITH KUMAR R.
S/O RAMACHANDRAN
MADHOM, 8, ULLOOR GARDENS
ULLOOR, THIRUVANANTHAPURAM - 695 011
 3. K.K.KUNJUMAKAN
CRA - 106, CHAYAKKUDI ROAD
PETTAH, TVPM 695 024
 4. M.S.RAVI
S/O LATE K.SUKUMARAN
PLAMOODU HOUSE
KAUMUDI BUILDINGS
PETTAH, TVPM 695 024
 5. ER.K.JYOTHIS
MELAPURAM, MRA 170
OTTUKAL STREET, KAITHAMUKKU
TVPM 695 024
 6. ER.G.SAMPATH
RAGAM, MANNANTHALA
TVPM 695 015
 7. R.JAYAPRAKASH
ADVOCATE, ANANDA BHAVAN
VEERALAM ROAD, ATTINGAL 695 101

8. LT.COL.S.R.BABU (RTD)
KRISHNANJALI
VARAMBASSERI ROAD
KUNNUKUZHI
TVPM 695 035
9. D.ARAVIND
S/O LATE DIVAKARAN
BHADRADEEPAM
KALLAMPALLI, TVPM 695 011
10. B.GOPI
POURNAMI, THUNDATHIL
TVPM 695 581
11. P.P.CHELLAPPAN
SAUMYA, OOLANKUZHI
ANAYARA, TVPM 695 029
12. DR.A.G.RAJENDRAN
DARSANA, POOJAPURA
TVPM 695 012
13. AMRITHA LAL ROY
S/O SUKUMARAN, ADVOCATE
BABA NIVAS, PEROORKONAM LANE
SREEKARYAM, TVPM
14. ER.SUNEETH NATARAJAN
S/O NATARAJAN
GURU VIHAR, CHILAMBIL LANE
GANDHIPURAM, SREEKARYAM, TVPM 695 017

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS/RESPONDENTS/PLAINTIFFS

1. M.RADHAKRISHNAN
S/O T.K.MADHAVA PANICKER
AGED 69 YEARS
RETIRED CHIEF ENGINEER, ALUMMOOTIL
POTHUJANAM ROAD
KUMARAPURAM, THIRUVANANTHAPURAM
AND CONVENOR OF THE AD-HOC COMMITTEE IN
CHARGE OF THE AFFAIRS OF THE 1ST PLAINTIFF TRUST

2. K.PREMAN, S/O LATE KESAVA PANICKER, AGED 77 YEARS
KAILAS, HOUSE NO.32
PANACHAMOODU LANE
PATTOM, THIRUVANANTHAPURAM
AND JOINT CONVENOR OF THE AD-HOC COMMITTEE
IN CHARGE OF THE AFFAIRS OF THE FIRST PLAINTIFF
TRUST
3. RETURNING OFFICER
SRI.N.KARUNAKARAN
ADVOCATE, VANCHIYOOR
THIRUVANANTHAPURAM - 695 035
(IMPEADED)

BY SRI.PIRAPPANCODE V.S.SUDHIR
BY SRI.S.SUJIN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

**R.P.No.578 OF 2015
IN F.A.O. No.102 OF 2015**

Dated this the 9th day of July, 2015

ORDER

Ramachandran Nair, J.

This review petition is filed by the appellants in the appeal. This Court had disposed of the appeal by the judgment dated 25.6.2015 and certain directions have already been issued in paragraph 8.

2. In this review petition, the concern raised is that the Returning Officer who held the election has not stated about the number of votes that he had considered as invalid or otherwise not counted. It is the contention raised by the learned counsel for the petitioners Sri.Balagovindan that a perusal of the report of the learned Advocate Commissioner appointed by this Court, who acted as observer and the report of Returning Officer attached to it do not reveal the details of those facts.

3. We heard the learned Senior Counsel Sri.N.N.Sugunapalan

appearing for the respondents 1 and 2 and the learned Advocate Commissioner Sri.Pirappancode V.Sudheer.

4. On the previous occasion when this review petition came up, we had directed the learned Advocate Commissioner to get instruction from the Returning Officer with regard to this aspect. It is submitted today that the ballot papers have been properly kept and he has handed over the same to the Adhoc Committee. Learned counsel for the petitioners Sri.Balagovindan submitted that these aspects will have to be cleared before declaration of results of the election.

5. As far as the said point is concerned, the learned Senior Counsel Sri.N.N.Sugunapalan submits that already certain directions have been issued by this court enabling the appellants also to approach the court concerned and the consideration of either the validity or invalidity of votes polled is not a matter coming within the scope of the appeal.

6. Having heard the learned counsel on both sides, we are also of the view that in the light of the direction already issued by this Court permitting the appellants, respondents or any other persons who are

parties before the District Court to file appropriate application seeking for interim orders in the matter. The same will be sufficient. As far as the issue raised in the review petition also, concerning the absence of details of the votes which were not counted or which have been treated as invalid, it is appropriate that the appellants approach the District Court itself by filing necessary application, which will be considered with all expedition by the District Court along with the application which was directed to be considered by this Court in the appeal. The review petitioners are free to raise any other points, if they wish.

With the above observation, the review petition is disposed of.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH, JUDGE

SV.