

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 1156 of 2012 (T)

PETITIONERS:

1. SARASWATHY HEMACHANDRAN, AGED 43 YEARS
W/O.HEMACHANDRAN, PRANAVOM, S.R.P.M. P.O.
KARUNAGAPPALLY

2. SEENATH
W/O.UNUS, YAKSHIPPALLIL, S.R.P.M. PO.
KARUNAGAPALLY.

3. MANJUSHA
MANAMEL THEKKETHIL, S.R.P.M. P.O., KARUNAGAPPALLY.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. THE RETURNING OFFICER
THAZHAVA GRAMA PANCHAYAT
COMMUNITY DEVELOPMENT SOCIETY (CDS)
CHANGANKULANGARA POST, OACHIRA - 691286.

2. THE DISTRICT MISSION CORDINATOR
KUDUMBASREE MISSION, COLLECTORATE, KOLLAM - 690013.

3. THE DISTRICT RETURNING OFFICER
COMMUNITY DEVELOPMENT SOCIETY (CDS), KOLLAM-690013.

4. THE DISTRICT COLLECTOR
COLLECTORATE, KOLLAM - 690013.

5. THAZHAVA GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, THAZHA, KOLLAM-691286.

* Addl.6. SANTHAKUMARI
W/O.SIVARAJAN, AGED 57 YEARS, VARENU
MANAPPALLY SOUTH, KARUNAGAPPALLY.

* Addl.7. SREELATHA
W/O.BABUKUTTAN PILLAI, AGED 38 YEARS, PIYADETHU
THEKKUMURI KIZHAKKU, THAZHAVA VILLAGE, KARUNAGAPPALLY.

ADDL.R6 & R7 ARE IMPEADED AS PER ORDER DATED 02.02.2012 IN
IA.1349/2012

R1-R4 BY SRI.V.K.RAFEEL, GOVERNMENT PLEADER
R5 BY ADV. SRI.B.SURESH KUMAR
ADDL.R6,R7 BY ADV. SRI.S.ABHILASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE GENERAL MEETING DECLARATION DATED 30/11/2011 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE REPRESENTATION FILED BY THE FIRST PETITIONER BEFORE THE FIRST RESPONDENT DATED 06/01/2012.

EXHIBIT P3. TRUE COPY OF THE REPRESENTATION FILED BY THE 2ND PETITIONER BEFORE THE FIRST RESPONDENT DATED 06/01/2012.

EXHIBIT P4. TRUE COPY OF THE REPRESENTATION BEFORE THE 4TH RESPONDENT DATED 10/01/2012.

ADDL. 6TH AND 7TH RESPONDENTS' EXHIBITS :

EXT.R6(A) : THE COPY OF VOTERS LIST PUBLISHED BY THE RETURNING OFFICER REGARDING ELECTION TO THE GOVERNING BODY OF ADS IN WARD NO.XII OF THAZHAVA GRAMA PANCHAYAT DT.2.1.12.

EXT.R6(B) : THE COPY OF AFFIDAVIT SIGNED BY THE ELECTED MEMBERS OF THE GOVERNING BODY OF ADS IN WARD NO.XII IN THAZHAVA GRAMA PANCHAYAT.

EXT.R6(C) : THE COPY OF VOTERS LIST PUBLISHED BY THE RETURNING OFFICER REGARDING ELECTION TO THE GOVERNING BODY OF ADS IN WARD NO.XV OF THAZHAVA GRAMA PANCHAYAT DT.2.1.12

EXT.R6(D) THE COPY OF AFFIDAVIT SIGNED BY THE ELECTED MEMBERS OF THE GOVERNING BODY OF ADS IN WARD NO.XV IN THAZHAVA GRAMA PANCHAYAT.

RKC

TRUE COPY

PS TO JUDGE

P.V.ASHA, J.

W.P(c) No.1156 of 2012-T

Dated this the 20th day of May, 2015

JUDGMENT

The petitioner prayed for a declaration that the elections held from 5th to 9th January, 2012 to Area Development Society in Thazhava Grama Panchayat are void abinitio and for a further declaration that the candidates elected to the said society are ineligible to participate in the election held on 16.01.2012. This Court had by an interim order dated 13.01.2012 directed the 1st respondent not to declare the results. Subsequently by order dated 21.03.2012, the interim order was vacated and the 1st respondent was let free to declare the results, subject to the result of the Writ Petition.

2. The learned counsel for additional respondents 6 and 7 submitted that additional respondents 6 and 7 were declared elected in the election. It appears that the petitioner has not resorted to any proceedings as against their election in accordance with Rules. At any rate, since the election is stated to be over as early as on 22.01.2012, I do not find it necessary to pass any further orders in this Writ Petition. It was upto the

petitioner to resort to appropriate proceedings against the election of respondents 6 and 7 and others, in case he has any grievance. In case the petitioner has resorted to any such remedies, the judgment in this Writ Petition will not affect the proceedings therein.

The Writ Petition is accordingly closed.

Sd/-
(P.V.ASHA, JUDGE)

rtr/