

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WA.No.544 of 2015 IN WP(C).5957/2015

AGAINST THE JUDGMENT IN WP(C) 5957/2015 of HIGH COURT OF KERALA
DATED 25-02-2015

APPELLANTS/PETITIONERS:

1. SURENDRAN K.P., S/O.PAPPAN, AGED 45 YEARS,
KARIKKALLIL HOUSE, PADAMUGHAM P.O.,
VATHUKUDY - 685 604, IDUKKI DISTRICT.
2. MATHEW THOMAS, S/O. THOMAS, AGED 47 YEARS,
KIZHAKKEBHAGATHU, THOPRAMKUDY P.O.-685 609
IDUKKI DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS/RESPONDENTS:

1. THE RETURNING OFFICER,
THOPRAMKUDY SERVICE CO-OPERATIVE BANK,
(A&E INSPECTOR, OFFICE OF THE ASSISTANT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
UDUMBANCHOLA), THOPRAMKUDY - 685 609
IDUKKI DISTRICT.
2. THE ELECTORAL OFFICER,
THOPRAMKUDY SERVICE CO-OPERATIVE BANK,
[ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), UDUMBANCHOLA],
THOPRAMKUDY - 685 609, IDUKKI DISTRICT.
3. STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM - 695 001
4. THE THOPRAMKUDY SERVICE CO-OPERATIVE BANK LTD.
NO.K.432, THOPRAMKUDY - 685 609, IDUKKI DISTRICT.

R1 TO R3 BY SPL. GOVERNMENT PLEADER SRI.D.SOMASUNDARAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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Dated this the 5th day of March, 2015.

J U D G M E N T

Antony Dominic, J.

Heard the learned counsel for the appellants and learned Special Government Pleader.

2. The appellants filed W.P.(C).No.5957/2015 with the prayer to direct the 2nd respondent to include the name of the persons contained in Ext.P5 in the final voters' list published as per Ext.P2 and to allow them to cast their votes in the election that is notified by Ext.P1. The Writ Petition was dismissed by the learned Single Judge without prejudice to the rights of the petitioners. This was mainly on account of the fact that the election process has already commenced. A reading of Ext.P1, election schedule, we find that as of now, even the stage of withdrawal of nominations is over and all that remains is the polling scheduled on 14.3.2015. This therefore shows that conclusion of the learned Single Judge that the election process is already set in motion, cannot be faulted.

3. True, the learned counsel for the appellants made a request that the persons mentioned in Ext.P5 should be

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allowed to exercise their vote and that the said votes should be kept separately. We do not think that we will be justified in doing so. At any rate, since the persons who are allegedly deprived of their right to vote are those who figure in Ext.P5, even if, in an election petition, a relief is to be moulded, in view of Ext.P5 and since the details of the persons who are mentioned therein, it is possible for the authority to do so. In such circumstances, we are not inclined to entertain that request either.

We do not find any reason to interfere with the judgment under appeal. Needless to say, nothing stated herein or in the judgment of the learned Single Judge shall be to the prejudice of the appellants in pursuing their statutory remedies.

**ANTONY DOMINIC,
Judge.**

**ALEXANDER THOMAS,
Judge.**

bkn/-