

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 425 of 2015 (C)

PETITIONER(S):

**CHANDRAN M. AGED 62 YEARS
S/O. KORAN, 'SANGAM', THERVAYAL
NILESHWAR P.O., KASARAGOD-671 314.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.T.B.GAFOOR
SMT.P.R.SOPHIYA**

RESPONDENT(S):

- 1. THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR, CIVIL STATION
VIDYA NAGAR, KASARAGOD-671 123.**
- 2. N.K.BALAKRISHNAN MEMORIAL TRUST
REG.NO.188/98, REP. BY ITS GENERAL SECRETARY
DOOR NO.84, WARD NO.II, NILESHWAR
PIN-671 314.**
- 3. THE RETURNING OFFICER
N.K.BALAKRISHNAN MEMORIAL TRUST, DOOR NO.84
WARD NO.II, NILESHWAR, PIN-671 314.**
- 4. THE EXECUTIVE COMMITTEE
N.K.BALAKRISHNAN MEMORIAL TRUST, REG.NO.188/98
REP.BY ITS CHAIRMAN, DOOR NO.84, WARD NO.II
NILESHWAR, PIN-671 314.**

**R1 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R2 & 4 BY ADV. SRI.JAWAHAR JOSE
R2 & 4 BY ADV. SRI.ARUN AJAY SHANKAR
R 5 BY ADV. SRI.P.SREEKUMAR
SRI.S.PRASANTH
SRI.T.S.SARATH
SMT.P.M.MAZNA MANSOOR**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

STK

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 425 of 2015

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “i. Issue a writ in the nature of mandamus or any other appropriate writs orders or directions commanding the 1st respondent to consider the grievances and Exts.P8 and P10 of the petitioner expeditiously, along with Ext.P4 representation of the petitioner in Ext.P7 judgment, within a time bound manner, that may be prescribed by this Hon'ble Court.*
- ii. Issue a writ in the nature of mandamus or any other appropriate writs orders or directions directing the 1st respondent to ensure that the election process started by Ext.P1 notification to the executive committee of the 2nd respondent Trust to be continued from the point at which it was stopped, by fixing a date of polling without any further delay.”*

2. The learned counsel for the petitioner submits that, the election has already been scheduled to be held on 16.11.2014 as notified by the concerned Returning Officer, without any regard to the course and events so far and in utter disregard to the relevant facts and also the relevant provisions of law. The version of the

petitioner is sought to be rebutted on behalf of the respondents 2 and 4 by filing a counter affidavit. The learned counsel for the petitioner seeks for permission to withdraw the writ petition without prejudice to the rights and liberties of the petitioner to pursue the matter before other appropriate forum.

3. Permission is granted. The writ petition is dismissed as withdrawn, leaving open all the contentions raised before this Court from both the sides, to be pursued before the appropriate forum.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.