

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 882 of 2015 (I)

PETITIONER:

PREMJI PARALIL, MIDHILAPURI,
CLAPPANA SOUTH, CLAPPANA POST,
KARUNAGAPPALLY, KOLLAM - 690 525.
(MEMBER NO. 12522).

BY ADVS. SRI. N. K. SUBRAMANIAN
SRI. S. ANANTHAKRISHNAN

RESPONDENTS:

1. THE CLAPPANA SERVICE CO-OPERATIVE BANK LTD. NO. 867,
CLAPPANA POST - 690 525, KOLLAM DISTRICT.
REPRESENTED BY THE SECRETARY.
2. THE BOARD OF DIRECTORS, THE CLAPPANA SERVICE
CO-OPERATIVE BANK LTD. NO. 867,
CLAPPANA POST - 690 525, KOLLAM DISTRICT
REPRESENTED BY ITS PRESIDENT.
3. STATE CO-OPERATIVE ELECTION COMMISSION
THIRUVANANTHAPURAM-695 001.
4. ELECTORAL OFFICER, THE CLAPPANA SERVICE
CO-OPERATIVE BANK LTD. NO. 867, CLAPPANA POST-690 525
KOLLAM DISTRICT. (ASST. REGISTRAR OF CO-OPERATIVE
SOCIETIES (CIRCLE GENERAL), KARUNAGAPPALLY.)
5. RETURNING OFFICER, THE CLAPPANA SERVICE
CO-OPERATIVE BANK LTD. NO. 867, CLAPPANA POST-690 525
KOLLAM DISTRICT. (ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES
CHAVARA UNIT OFFICE OF THE ASST. REGISTRAR
(CIRCLE GENERAL), KARUNAGAPPALLY.)
6. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
KOLLAM. 691 001.

7. MORRIS V.M, S/O.MARIAN,
THACHOOR M.P.S.HOUSE,
CLAPPANA KIZHAKKU,
CLAPPANA POST, KOLLAM. 690 625.
8. BRIJIT MORRIS M., W/O.MORRIS V.M.,
THACHOOR M.P.S.HOUSE,
CLAPPANA KIZHAKKU,
CLAPPANA POST, KOLLAM. 690 525.

R7 & R8 BY ADV. SRI.K.SIJU
R7 & R8 BY ADV. SRI.A.MUHAMMED RAFFI
R2 BY ADV. SRI.B.PREMNATH (E)
BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF NOTIFICATION DT. 24.12.2014.
- EXHIBIT P2 - TRUE COPY OF THE ORDER NO.O.6572/2014 DT. 17.12.14.
- EXHIBIT P3 - TRUE COPY OF RELEVANT PAGES OF PRELIMINARY VOTERS LIST DT. 29.12.14 ISSUED BY R4.
- EXHIBIT P4 - TRUE COPY OF OBJECTION DT. 5.1.15 BY THE PETITIONER.
- EXHIBIT P5 - TRUE COPY OF THE RELEVANT PAGES OF THE FINAL LIST OF VOTERS DT. 7.1.2015 ISSUED BY R4.
- EXHIBIT P6 - TRUE COPY OF KERALA GAZETTE G.O.(P)NO.142/2014 DATED 25.11.2014.
- EXHIBIT P7 - TRUE COPY OF RELEVANT PAGES OF THE SPECIAL RULES.
- EXHIBIT P8 - TRUE COPY OF VOTERS' LIST OF PANCHAYATH ELECTION 2010.
- EXHIBIT P9 - TRUE COPY OF AADHAAR CARD OF THE 7TH RESPONDENT.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R7(a) - THE COPY OF IDENTITY CARD ISSUED BY THE 1ST RESPONDENT ON 10.10.2013 TO THE 7TH RESPONDENT
- EXHIBIT R7(b) - THE COPY OF PASSBOOK OF THE 7TH RESPONDENT
- EXHIBIT R7(c) - THE COPY OF CERTIFICATE ISSUED BY THE CLAPPANA VILLAGE OFFICER DATED 22.12.2014.
- EXHIBIT R7(d) - THE COPY OF RESIDENCE CERTIFICATE ISSUED BY THE SECRETARY OF THE CLAPPANA GRAMA PANCHAYATH
- EXHIBIT R7(e) - THE RELEVANT PAGES OF VOTERS' LIST FOR THE YEAR 2009.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 882 OF 2015

Dated this the 13th day of January, 2015

JUDGMENT

The challenge is to the voters list in the midst of election. The final voters list has already been published going by Ext.P1 election calender. The contention is that respondents 7 and 8 ought to have been included in Ward No. 6 (Clappana East). But they were included in Ward No. 5 (Clappana South) for oblique reasons. The seventh respondent will not be able to contest if included in Ward No. 6. This is because Ward No. 6 is a reserved constituency for woman candidates.

2. The challenge to the voters list cannot be entertained in a writ petition at this stage. The petitioner has an effective alternative remedy by way of an election petition. I am fortified in this view by **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and another Vs. State of Maharashtra and others [(2001) 8 SCC 509]**. The petitioner is free to urge the contentions now raised in an election petition. I decline jurisdiction.

The Writ Petition is dismissed.

**V. CHITAMBARESH
JUDGE**