

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 1822 of 2015 (C)

PETITIONER:

E.THANKAPPAN, S/O.ERAVI, VINOD BHAVAN,
THURUTHIKKARA P.O., KUNNATHOOR VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS:

1. STATE OF KERALA REP. BY THE SECRETARY
TO GOVERNMENT, LOCAL SELF GOVERNMENT
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE KUNNATHOOR GRAMA PANCHAYATH
REP. BY ITS SECRETARY, KUNNATHOOR P.O.,
KOLLAM-690 540.
3. THE SASTHAMCOTTAH BLOCK PANCHAYATH
REP. BY ITS SECRETARY, PORUVAZHY P.O.
SASTHAMCOTTAH, KOLLAM-690 520
(RETURNING OFFICER,
SASTHAMCOTTAH BLOCK PANCHAYATH).
4. THE KERALA STATE ELECTION COMMISSION
REP. BY ITS SECRETARY, CORPORATION BUILDING,
PALAYAM, THIRUVANANTHAPURAM-696 033.
5. SRI.IVERKALA DILEEP, S/O.AMEERKANNU RAWTHER,
MEMBER WARD NO.4, KUNNATHOOR GRAMA
PANCHAYATH, RESIDING AT AKSHAYA NIVAS,
IVERKALA PADINJATTEKKARA VADAKKU,
PUTHANAMBALAM P.O., KUNNATHOOR, KOLLAM-690 540.

R5 BY ADV. SRI.SOORANAD S.SREEKUMAR
R4 BY ADV. SRI.MURALI PURUSHOTHAMAM\N
R1 BY GOVERNMENT PLEADER SRI.JUSTIN JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 1822 of 2015 (C)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE NO CONFIDENCE MOTION APPLICATION AND ITS ENGLISH TRANSLATION.

EXT. P2 : TRUE COPY OF THE WHIP GIVEN TO THE FIFTH RESPONDENT DATED 30-6-14 THROUGH THE MANDALAM PRESIDENT AND IN THE PRESENCE OF THE BLOCK PRESIDENT AND ITS ENGLISH TRANSLATION.

EXT. P3 : TRUE COPY OF THE NOTICE ISSUED BY THE PRESIDENT, DISTRICT CONGRESS COMMITTEE, KOLLAM AND ITS ENGLISH TRANSLATION.

EXT. P4 : TRUE COPY OF THE REPRESENTATION ISSUED BY THE MANDALAM COMMITTEE, KUNNATHOOR BEFORE THE SECOND RESPONDENT ON 10-7-14 AND ITS ENGLISH TRANSLATION.

EXT. P5 : TRUE COPY OF THE UNNUMBERED OP /2015.

EXT. P6 : TRUE COPY OF THE DELAY PETITION IN IA 6/2015.

EXT. P7 : TRUE COPY OF THE NOTICE NO.S1-1154/14 DATED 9-1-15 ISSUED TO ONE OF THE MEMBER SMT.REMADEVI V. REPRESENTING INDIAN NATIONAL CONGRESS (I) AND ITS ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.1822 of 2015 C

Dated this the 4th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the first respondent and the learned Standing Counsel for the fourth respondent, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a member of the Grama Panchayat, has a grievance that despite Exhibit P2 whip, the fifth respondent cast his vote in violation thereof in a no confidence motion against the President. Subsequently, when another no confidence motion was moved against the Vice-President, seeking a direction to restrain the fifth respondent from voting, especially in the

light of earlier violation of the whip, the petitioner has filed the present writ petition.

3. As could be seen, owing to the subsequent developments, the substantive part of the writ petition seems to have become infructuous. At any rate, it is evident from the record that the petitioner filed an unnumbered Original Election Petition before the fourth respondent with a delay of 160 days, for the condonation of which the petitioner is said to have filed I.A.No.6/2015.

4. The learned counsel for the petitioner seeks disposal of the writ petition with a direction to the fourth respondent to dispose of the Original Petition as expeditiously possible, within a time frame.

5. The learned counsel for the fourth respondent has, however, submitted that, so far the original petition has not been numbered for what is said to be inordinate delay, and there can be a direction, if at all, only to the extent of

considering the said interlocutory application, but not a comprehensive direction concerning the original petition.

6. The learned Standing Counsel for the fourth respondent has, on the other hand, submitted that the Commission is willing to expedite the process and pass appropriate orders on I.A.No. 6/2015 in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel, this Court disposes of the writ petition with a direction to the fourth respondent to consider I.A.No.6/2015 and dispose it of in accordance with as expeditiously as possible.

Dama Seshadri Naidu, Judge

tkv