

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 8350 of 2015 (P)

PETITIONER(S):

**MRIDULA.K, AGED 35 YEARS,
W/O.RAJAN, NAIRPADIKKAL HOUSE,
POST KALPAKANCHERRY - 676 551.**

**BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SMT.N.DEEPA**

RESPONDENT(S):

- 1. DISTRICT ELECTION OFFICER [KUDUMBASREE]
DEPUTY DIRECTOR OF PANCHAYATHS, MALAPPURAM.**
- 2. THE PRESIDING OFFICER,
KUDUMBASREE C.D.S ELECTION,
KALPAKANCHERRY GRAMA PANCHAYATH/HEALTH INSPECTOR,
KOTTAKKAL MUNICIPALITY, KOTTAKKAL P.O,
MALAPPURAM DISTRICT. PIN-676 551**
- 3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF PANCHAYATHS & SOCIAL JUSTICE,
THIRUVANANTHAPURAM. PIN - 695 001**
- 4. JUBAIRA C.P.
W/O.ABDUL RASHEED, KALPAKANCHERY POST - 676 551.**
- 5. HASEENA CHETTIYALIKKAL
W/O.ASKAR, KALLINGAL, P.O. KALPAKANCHERRY - 676 551
TIRUR TALUK.**

**R1TO R3 BY GOVERNMENT PLEADER SRI.K.C. VINCENT
R4&5 BY ADV. SRI.K.P.SUDHEER
R4&5 BY ADV. SRI.ARUN MATHEW VADAKKAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE PROCEEDINGS OF THE KUDUMBASHREE
NEIGHBOURHOOD GROUP OF POONKAVANAM, AYIRANI WARD NO. 11
OF KALPAKANCHERRY PANCHAYATH HELD ON 13/01/2015.**

**EXHIBIT P2: A TRUE COPY OF THE PROCEEDING SHEET OF KALPAKANCHERRY,
AYIRANI WARD NO. XI OF KUDUMBASHREE ADS HELD ON 21/01/2015 AT
GLP SCHOOL, AYIRANI.**

**EXHIBIT P3: RELEVANT EXTRACT OF THE HANDBOOK ISSUED BY THE
KUDUMBASREE.**

**EXHIBIT P4: A TRUE COPY OF THE PROCEEDINGS OF THE HEALTH INSPECTOR,
KOTTAKKAL MUNICIPALITY, KOTTAKKAL P.O. WHO IS THE PRESIDING
OFFICER OF THE CDS ELECTION DATED 24/01/2015 OF THE 1ST
RESPONDENT.**

**EXHIBIT P5: A TRUE COPY OF THE ORDER ISSUED BY 1ST RESPONDENT DATED
20/02/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8350 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a) Call for the entire records leading up to Ext.P5 and quash the same by issuing a writ of certiorari, or any other appropriate writ, order or direction.

b) Issue a writ of mandamus or any other appropriate writ, order or direction declaring that there is absolutely no legal bar for the elected members of ADS as per Ext.P2 can function in their capacity.

c) Issue such other appropriate writs, orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. Heard Sri. T. Sethumadhavan, the learned Senior Counsel appearing for the petitioner, the learned counsel appearing for respondents 4 and 5 and also the learned Government Pleader appearing for the other respondents.

3. During the course of hearing, it is fairly conceded by the learned counsel for the respondents 4 and 5 that, Ext.P5 was

passed without affording an opportunity of hearing to the petitioner and as such, the said respondents do not have any objection in having the matter reconsidered.

4. The learned Senior Counsel appearing for the petitioner points out that the said order was passed, without giving an opportunity of hearing to the other affected parties as well.

5. In the said circumstances, Ext.P5 stands set aside and the first respondent is directed to reconsider the matter and pass appropriate orders in accordance with law, after affording an opportunity of hearing to all interested parties, including the petitioner and respondents 4 and 5. The proceedings as above shall be finalised at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

The writ petition stands disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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