

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 11200 of 2014 (Y)

PETITIONER:

C.A.M.A. KAREEM, CHIRAKKAL HOUSE,
SANKARAMANGALAM P.O., PATTAMBI,
PALAKKAD DISTRICT.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.A.HAROON RASHEED

RESPONDENTS:

1. THE KERALA STATE ELECTION COMMISSION
CORPORATION OFFICE BUILDING COMPLEX,
L.M.S. JUNCTION, THIRUVANANTHAPURAM-695033.
2. IBRAHIM (VAPPU), THIYATTIL HOUSE,
KARAKKAD, PALLIPPURAM,
PATTAMBI, PALAKKAD DISTRICT, PIN 679313.
3. THE SECRETARY,
ONGALLUR GRAMA PANCHAYAT,
KALLDAIPETTA PO.
PALAKKAD DISTRICT, PIN 679313.

R2 BY ADV. SRI.T.KANANDA KRISHNAN
R3 BY ADV. SRI.BABU KARUKAPADATH
R3 BY ADV. SMT.M.A.VAHEEDA BABU
R3 BY ADV. SRI.K.A.NOUSHAD
R3 BY ADV. SRI.P.U.VINOD KUMAR
R3 BY ADV. SRI.KANDAMPULLY RAHUL
R3 BY ADV. SRI.MITHUN BABY JOHN
R3 BY ADV. SRI.J.RAMKUMAR
R1 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMMN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11200 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE PETITION FILED BY TH 2ND RESPONDENT
BFORE THE FIRST RESPONDENT DATED 9-11-2012 IN O.P.NO.
108/2012.
- EXHIBIT P2 - TRUE COPY OF THE COMMON ORDER DATED 11-04-2014 IN
O.P.NOS. 108/2012 AND 109/2012 OF THE FIRST RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.S. TO JUDGE.

ncd

V.CHITAMBARESH, J.

W.P (C) No.11200 of 2014

Dated this the 21st day of December, 2015

J U D G M E N T

The resignation of the second respondent as a member of the Ongallur Grama Panchayat was the subject matter of Ext.P2 common order of the State Election Commission. The State Election Commission has found that the resignation was void and that the second respondent was entitled to continue as a member of the Panchayat. It is conceded that the petitioner continued as such till the term of the committee expired on 31.10.2015. The writ Petition has now become infructuous since the term of the Panchayat has already expired. The acts done by the second respondent as a member of the Panchayat however remain valid. This is in view of the de facto doctrine applied by the Supreme Court time and again.

The writ Petition is dismissed as infructuous.

Sd/-
V.CHITAMBARESH,
Judge.

nj/22.12.15