

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C). No.15191 of 2015 (Y)

PETITIONER(S):

**D.MAMACHAN,
THATTARAZHIKATH HOUSE, PUTHOOR P.O.,
KOTTARAKKARA, KOLLAM DISTRICT.**

BY ADV. SRI.GEORGE POONTHOTTAM.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PANCHAYATHS, THIRUVANANTHAPURAM - 695 001.**
- 3. THE DEPUTY DIRECTOR OF PANCHAYATHS, KOLLAM.**

ADDITIONAL RESPONDENTS 4 AND 5 IMPLEADED:

- 4. STATE ELECTION COMMISSION, KERALA,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE COMPLEX, LMS JUNCTION,
THIRUVANANTHAPURAM - 695 033.**
- 5. STATE DELEMITATION COMMISSION
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.**

ADDL.R4 & R5 SUO MOTU ARE IMPLEADED AS PER ORDER DTD.27.5.2015

**R1-R3 BY GOVERNMENT PLEADER SRI. BOBBY JOHN PULIKKAPARAMBIL
R4 & R5 BY ADV. SRI. MURALI PURUSHOTHAMAN, STANDING COUNCIL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/7/2015,
THE COURT ON 01/09/2015, DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE REPRESENTATION DATED 29/07/2014 GIVEN BY SRI.KODIKUNNIL SURESH.**
- P2- TRUE COPY OF THE NOTICE ACCOMPANYING THE POLICY DECISION**
- P3- TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION DATED 25/01/2015.**
- P4- TRUE COPY OF THE LOCATION SKETCH OF THE PROPOSED PUTHOOR PANCHAYTH.**
- P5- TRUE COPY OF THE OBJECTION DATED 07/02/2015 BY THE PRESIDENT OF THE VYAPARI VYAVASAYI EKOPANA SAMITHI.**
- P6- TRUE COPY OF THE REPRESENTATION DATED 07/02/2015.**
- P7- TRUE COPY OF THE REPRESENTATION DATED 28/02/2015.**
- P8- TRUE COPY OF THE APPLICATION DATED 31/03/2015.**
- P9- TRUE COPY OF THE COMMUNICATION DATED 31/03/2015.**
- P10- TRUE COPY OF THE REPRESENTATION SUBMITTED DURING THE COURSE OF HEARING HELD ON 12/03/2015.**
- P11- TRUE COPY OF THE GAZETTE NOTIFICATION NO. 912 DATED 25/04/2015.**
- P12- TRUE COPY OF THE REPRESENTATION DATED 06/05/2015.**

RESPONDENT(S)' EXHIBITS:- NIL

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//TRUE COPY//

P.A TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.15191 of 2015

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Dated this the 1st day of September, 2015

JUDGMENT

Under challenge in this writ petition is the notification issued by the respondent State proposing Pangode as the headquarters of Puthoor Grama Panchayat which is newly formed.

2. This writ petition is filed being aggrieved by the gazette notification dated 25.4.015 purportedly issued under Section 4(1) of the Kerala Panchayat Raj Act, 1994 creating Puthoor Grama Panchayat with its headquarters at Pangode by carving out the same from Neduvattur, Kullakada and Pavithreshwaram Grama Panchayats. The Government vide Ext.P2 came out with a policy decision to form 66 new panchayats and Ext.P3 was issued proposing Pangode as the headquarters of the proposed Puthoor panchayat. The petitioner alleges that objections were filed against the proposal pointing out that Puthoor which is having the highest population and being in centre of the panchayat ought to be designated as its headquarters. It was conceded by Ext.P9 that the decision to designate Pangode as the headquarters was taken by the supervisors of the Audit Department.

3. The petitioner further alleges that the Cabinet on 8.4.2015 decided to have Puthoor as the administrative headquarters of the Puthoor panchayat, However, the Cabinet in its next meeting decided to have Pangode as the administrative headquarters of Puthoor panchayat without there being any reason for such change. The petitioner points out that Ext.P11 notification was issued designating Pangode as the administrative headquarters of Puthoor panchayat. It is with this background, the petitioner has approached this Court.

4. Subsequent to the filing of the writ petition, the Kerala State Election Commission and State Delimitation Commission were impleaded as additional respondents.

5. The respondent State has filed a detailed counter affidavit justifying their stand in proposing Pangode as the headquarters of Puthoor Grama Panchayat.

6. I have heard the learned counsel for the petitioner, the learned Advocate General, ably assisted by the learned Special Government Pleader, and the learned standing counsel for the Kerala State Election Commission and State Delimitation Commission.

7. It is relevant to note that this Court in W.P(C) No.15524 of 2015 and connected cases has quashed the notification by which, new panchayats were formed in the State carving out portions of existing villages without a prior notification by the Governor in exercise of power under Section 243(g) of the Constitution of India.

As the very substratum which forms a new panchayat has been lost on account of the aforesaid judgment, the writ petitions are closed in the light of the ratio laid down by this Court in the aforesaid writ petition. However, it shall be open to the petitioners to bring their grievance to the notice of the Government in the event of proper formation of a new panchayat in future.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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