

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 15561 of 2015 (U)

PETITIONER(S):

1. JOSE KURIAKOSE,
S/O.LATE KURIAKOSE, AGED 57,
KILIYAYATHU HOUSE, KURUPPAMPADI P.O.,
VENGOOR WEST VILLAGE, PERUMBAVOOR,
ERNAKULAM DISTRICT.
2. K.K.NARAYANAN, AGED 64, S/O.K.R.KESAVAN,
KOTTEPARAMBIL HOUSE, MUDIKKARAI,
KURUPPAMPADI P.O., VENGOOR WEST VILLAGE,
PERUMBAVOOR, ERNAKULAM DISTRICT.
3. P.V.SOJAN, AGED 46, S/O.LATE VARKEY,
PATHIKKAL HOUSE, AYIMURI P.O,
KOOVAPPADI VILLAGE, PERUMBAVOOR,
ERNAKULAM DISTRICT.
4. REJOICE GEORGE, AGED 32, S/O.LATE GEORGE,
EECHARANKUDIYIL HOUSE, AYIMURI P.O.,
KOOVAPPADI VILLAGE, PERUMBAVOOR,
ERNAKULAM DISTRICT.

**BY ADVS.SRI.N.K.KARNIS
SRI.LATHEESH SEBASTIAN**

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PANCHAYATH,
PANCHAYATH DIRECTORATE,
THIRUVANANTHAPURAM -695 001.
3. DEPUTY DIRECTOR OF PANCHAYATH,
PANCHAYATH DEPUTY DIRECTORATE OFFICE,
ERNAKULAM - 682 030.

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4. SENIOR SUPERINTENDENT,
PERFORMANCE AUDIT UNIT - 5,
KAKKANAD, ERNAKULAM - 682 030.
5. RAYAMANGALAM GRAMA PANCHAYATH,
RAYAMANGALAM P.O., ERNAKULAM DISTRICT,
REPRESENTED BY THE SECRETARY - 683 545.
6. MUDAKKUZHA GRAMA PANCHAYATH,
MUDAKKUZHA P.O., ERNAKULAM DISTRICT,
REPRESENTED BY THE SECRETARY - 683 546.
7. KOOVAPPADI GRAMA PANCHAYATH,
KOOVAPPADI P.O., ERNAKULAM DISTRICT,
REPRESENTED BY THE SECRETARY - 683 544.

*ADDL.R8 & R9 IMPEADED

*ADDLR8: KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM. PIN-695 033

*ADDL.R9: STATE DELIMITATION COMMISSION,
REP. BY SECRETARY, THIRUVANANTHAPURAM. PIN-695 033

*ADDL.R8 & R9 IS SUO MOTU IMPEADED AS PER ORDER DATED 27/05/2015

R1 TO R4 BY ADVOCATE GENERAL SRI.K.P.DANDAPANI
SPECIAL GOVT. PLEADER SRI.TOM K.THOMAS
SPECIAL GOVT. PLEADER SRI.BOBBOY JOHN PULICKAPARAMBIL
R5 BY ADV. SRI.BINU PAUL
R7 BY SRI.R.RANJITH, SC
ADDL.R8 & R9 BY SRI.MURALIPURUSHOTHAMAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
08-07-2015 , THE COURT ON ON 17-08-2015 DELIVERED THE
FOLLOWING:

mbr/

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT
DATED 11.11.2014**
- EXT.P-2: TRUE COPY OF THE RECOMMENDATION OF THE 3RD RESPONDENT
DATED 9.12.2014**
- EXT.P-3: TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE
NOTIFICATION DATED 25.1.2015.**
- EXT.P-4: TRUE COPY OF THE RECOMMENDATION OF THE 6TH RESPONDENT
GRAMA PANCHAYATH.**
- EXT.P-5: TRUE COPY OF THE RECOMMENDATION OF THE 7TH RESPONDENT
GRAMA PANCHAYATH.**
- EXT.P-6: TRUE COPY OF THE REPORT OF THE 4TH RESPONDENT
DATED 2.3.2015.**
- EXT.P-7: TRUE COPY OF THE HEARING NOTICE OF THE 3RD RESPONDENT.**
- EXT.P8 : TRUE COPY OF THE RELEVANT PAGES OF THE FINAL NOTIFICATION
OF THE 1ST RESPONDENT DATED 25.4.2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J

WPC No.15561 of 2015

Dated this the 17th day of August, 2015

JUDGMENT

In this case, the petitioners who are the residents of the area which is demarcated as the area for the proposed Kuruppampady Grama Panchayat in Ernakulam District are aggrieved by the preliminary notification dated EM3/13(1)/2014 LSGD dated 25.5.2015 for the reason that certain areas in Rayamangalam Grama Panchayat were not included in the proposed Kuruppampady Grama Panchayats as per the aforesaid preliminary notification.

2. Arguments have been heard.

3. This Court by judgment dated 10th July 2015 in WPC Nos.15524/2015 and connected cases quashed G.O.P.No.140 and 141/15/LSGD dated 25.4.2015 so far as the said notifications create new panchayats carving out areas of existing villages without a prior notification by the Government under Article 243(g) of the Constitution of India.

4. In this case, the petitioners are aggrieved by the non-inclusion of portions of certain areas in the existing Rayamangalam Grama Panchayat to the proposed Kuruppampady Grama Panchayat in the preliminary notification dated 25.5.2015.

The demand now made by the petitioner is against the provisions of the Panchayat Raj Act as well as Article 243(g) of the Constitution of India. Therefore, this Court is of the view that there is no reason to allow this writ petition. In the result, this writ petition is dismissed in the light of the ratio in WPC No.15524/215 and connected cases.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

CSS/

true copy

P.S.TO JUDGE