

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 15650 of 2015 (E)

PETITIONER :

MOOSANKUTTY THERALAYI  
S/O. MOIDEEN, AGED 47 YEARS, THERALAYI P.O.,  
KANDAKKAI, TALIPARAMBA, KANNUR DISTRICT.

BY ADVS.SRI.C.P.PEETHAMBARAN  
SMT.MINI V.A.

RESPONDENT(S) :

1. STATE OF KERALA  
REPRESENTED BY SECRETARY  
DEPARTMENT OF LOCAL ADMINISTRATION  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001
2. THE SECRETARY,  
STATE DELIMITATION COMMISSION  
KERALA, THIRUVANANTHAPURAM.
3. THE DEPUTY DIRECTOR OF PANCHAYATHS  
KANNUR.
4. THE CHENGALAYI GRAMA PANCHAYATH  
CHENGALAYI, KANNUR DISTRICT  
REPRESENTED BY ITS SECRETARY.

\*ADDL. R5 IMPEADED

\*ADDL.R5. STATE ELECTION COMMISSION

\*IS SUO MOTU IMPEADED AS PER ORDER DATED 27.5.2015.

R1 & R3 BY GOVT. PLEADER SRI. G. GOPAKUMAR  
R2 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC  
ADDL.R5 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...2/-

WP(C).No. 15650 of 2015 (E)  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT.P1        TRUE OF THE THERALAYI ISLAND.
- EXT.P2        TRUE COPY OF THE REPORT DATED 28/9/2004 OF THE 3RD  
RESPONDENT TO THE PANCHAYATHS DIRECTOR,  
THIRUVANANTHAPURAM.
- EXT.P3        TRUE COPY FOT HE REPORT DATED 25/7/2005 OF THE 2ND  
RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P4        TRUE COPY OF THE REPRESENTATION DATED 17/3/2015 SUBMITTED  
BY THE PETITIONER TO THE 1ST RESPONDENT.

**RESPONDENT(S)' EXHIBITS :**  
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- EXT. R2(a)    COPY OF G.O.(RT) NO. 1465/2014/LSGD DATED 10.6.2014.
- EXT. R2(b)    COPY OF G.O.(RT) NO. 3113/2014/LSGD DATED 27.11.2014.
- EXT. R2(c)    COPY OF THE REPORT OF THE COMMITTEE DATED 29.12.2014.

//TRUE COPY//

P.A. TO JUDGE

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**A.V.RAMAKRISHNA PILLAI, J.**

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W.P(C) No.15650 of 2015

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Dated this the 23<sup>rd</sup> day of June, 2015

**JUDGMENT**

The petitioner has come up before this Court for a direction to the respondent to consider and pass appropriate orders on Ext.P4 representation submitted by him before the respondents.

2. The grievance of the petitioner, who is the General Secretary of Theralayi Dweep Vikasana Samithi, is that their long stand demand to form a separate ward of Theralayi which is an Island surrounded by Valapatnam river, has not been considered the same even after persistent hue and cry.

3. The petitioner alleges that Chengalayi Grama Panchayat has 18 wards and the total density during 2011 census is 30,559. According to him, the average density required is 1698 per each ward and at present Theralayi is having more than 1200 people residing and out of which 580 are voters itself.

4. The petitioner represented to constitute Theralayi as a separate constituency by Ext.P4. However, the respondents are not

taking any positive steps. It is with this background, the petitioner has approached this Court.

5. In the statement filed by the second respondent, they have contended that the Government is not the authority to consider Ext.P4 representation and in view of the facts stated, the State Delimitation Commissioner also cannot consider the request of the petitioner in Ext.P4.

6. Arguments have been heard.

Considering the nature of the prayer and the submissions made by the learned counsel for the petitioner, the writ petition is disposed of directing the respondents to consider Ext.P4 representation submitted by the petitioner and pass orders, accordance with law, after affording him an opportunity of being heard expeditiously, at any rate, before 2020 election starts.

Sd/-

**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

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