

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. 15681 of 2015 (I)

PETITIONER(S):

**K S JOSEPH,
S/O. SCARIA, KATTATHARA HOUSE, KURIPPAL P.O.,
PERUMPADAVU, KANNUR DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR OF PANCHAYAT ,
THIRUVANANTHAPURAM-695 001.**
- 3. DEPUTY DIRECTOR OF PANCHAYAT ,
KANNUR.**
- 4. ERAMAM KUTTOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KANNUR.**
- 5. CHAPPARAPPADAVU GRAMA PANCHAYAT ,
REPRESENTED BY ITS SECRETARY, KANNUR.**
- 6. STATE DELIMITATION COMMISSION,
REPRESENTED BY THE SECRETARY,
STATE DELIMITATION COMMISSION, LMS COMPOUND,
THIRUVANANTHAPURAM-695 033.**
- 7. STATE ELECTION COMMISSION,
KERALA, REPRESENTED BY THE SECRETARY,
STATE ELECTION COMMISSION, CORPORATE OFFICE COMPLEX,
MUSEUM, THIRUVANANTHAPURAM-695 033.**

**R1 - R3 BY GOVERNMENT PLEADER SRI.BOBBOY JOHN PULICKAPARAMBIL
R4 BY ADV. SRI.M.SASINDRAN
R6 & R7 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-07-2015 ALONG WITH WP(C) 16400/2015 THE COURT ON
17-08-2015, DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE REPRESENTATION DTD.15.2.2014 SUBMITTED BEFORE THE 2ND RESPONDENT.

P2 : TRUE COPY OF THE LETTER DTD.11.11.2014 ISSUED BY THE 2ND RESPONDENT.

P3 : TRUE COPY OF THE REPRESENTATION DTD.24.1.2014.

P4 : TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION DTD.25.1.2015.

P5 : TRUE COPY OF THE OBJECTION DTD.25.1.2015.

P6 : TRUE COPY OF THE SAMPLE COPY OF THE QUESTIONNAIRE.

P7 : TRUE COPY OF THE REPLY DTD.21.2.2015 TOGETHER WITH ADDITIONAL INFORMATION GIVEN ON 18.3.2015.

P8 : TRUE COPY OF THE QUESTIONNAIRE DTD.17.1.2015.

P9 : TRUE COPY OF THE REPLY DTD.10.2.2015.

P10 : TRUE COPY OF THE SCHEDULE SHOWING THE POPULATION OF POYLOOR GRAMA PANCHAYAT.

P11 : TRUE COPY OF GO(P)NO.140/15/LSGD DTD.25.4.2015.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): TRUE COPY OF G.O.(RT) NO.1465/2014/LSGD DTD.10.6.2014.

EXT.R1(b): TRUE COPY OF G.O.(RT) NO.3113/2014/LSGD DTD.27.11.2014.

EXT.R1(c): TRUE COPY OF THE REPORT OF THE COMMITTEE DTD.29.12.2014.

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.V.RAMAKRISHNA PILLAI, J

WPC Nos.15681/2015
& 16400/2015

Dated this the 17th day of August, 2015

JUDGMENT

In these writ petitions, the petitioners are challenging the non-formation of certain new Grama Panchayats.

2. The petitioner in WPC No.15681/2015, who is a resident of Perumbadavu in Kannur District, is aggrieved by the non-consideration of Exts.P1, P3 and P5 representations submitted seeking formation of new Grama Panchayat viz. Perumbadavu Grama Panchayat including areas from Chapprappadavu and Eramum-Kuthoor Grama Panchayats. He is challenging G.O.P.No.140/15/LSGD dated 25.4.2015.

3. In WPC No.16400/2015 filed by the executive committee member of the Thonnakkal Vikasana Samithy, he is aggrieved by the non-formation of Thonnakkal Grama Panchayat including areas from the Pothencode and Mangalapuram Grama Panchayats. He is challenging

G.O.(Rt) No.1550/2015/LGD dated 25.5.2015.

4. This Court as per judgment dated 10th July 2015 in WPC Nos.15524/2015 and connected cases quashed G.O.P.Nos.140 and 141/15/LSGD dated 25.4.2015 so far as the said notifications create new panchayats carving out areas of wards of the existing villages without a prior notification by the Government under Article 243(g) of the Constitution of India.

The formation of the new panchayat as requested by the petitioners would be a time consuming process as a prior notification under Article 243(g) of the Constitution by the Governor forming a village constituting the aforesaid areas has to be promulgated and this should be followed by a notification constituting the Panchayat by the respondents. As the forthcoming elections are expected to take place during the month of October 2015, it may not be possible to complete that process within the aforesaid time. Therefore, these writ petitions are closed, reserving the right of the petitioners to approach the

Government by a proper representation to be considered at least before the election to the local bodies to be held in the year 2020.

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

css/

true copy

P.S.TO JUDGE