

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 15686 of 2015 (I)

PETITIONER(S) :

**E.P.RATNAKARAN,
S/O.APPU, "EASHIRAM", EMBRALATH HOUSE,
EDAKKARA P.O., KOZHIKODE-673 616.**

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. THALAKULATHOOR GRAMA PANCHAYAT,
REPRESENTED BY THE SECRETARY,
THALAKULATHOOR GRAMA PANCHAYAT,
THALAKULATHOOR P.O., PIN-673 317.**
- 4. STATE DELIMITATION COMMISSION,
REPRESENTED BY THE SECRETARY,
STATE DELIMITATION COMMISSION, LMS COMPOUND,
THIRUVANANTHAPURAM-695 033.**
- 5. STATE ELECTION COMMISSION,
KERALA REPRESENTED BY THE SECRETARY,
STATE ELECTION COMMISSION, CORPORATE OFFICE COMPLEX,
MUSEUM, THIRUVANANTHAPURAM-695 033.**

**R1 & R2 BY SPL.GOVERNMENT PLEADER SRI.TOM.K.THOMAS
R3 BY ADV. SRI.JACOB ABRAHAM
R4 & R5 BY ADV. SRI.MURALI PURUSHOTHAMAN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON 05-08-2015 DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE NOTIFICATION NO.EM3/13 (8)/2014/LSGD DATED 25-01-2015.**
- EXT. P2 : TRUE COPY OF THE OBJECTION FILED BEFORE THE 1ST RESPONDENT.**
- EXT. P3 : TRUE COPY OF THE HEARING NOTE DATED 15-03-2015.**
- EXT. P4 : TRUE COPY OF THE G.O(P)NO.140/2015/LSGD DATED 30-04-2015.**
- EXT. P5 : TRUE COPY OF THE LETTER DATED 04-02-2015.**
- EXT. P5(A): TRUE COPY OF THE LETTER DATED 29-04-2015.**
- EXT. P6 : TRUE COPY OF THE APPLICATION DATED 08-03-2015.**
- EXT. P7 : TRUE COPY OF THE REPLY DATED 13-03-2015.**
- EXT. P8 : TRUE COPY OF THE REPORT DATED 29-12-2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.15686 of 2015

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Dated this the 5th day of August, 2015

JUDGMENT

The petitioner is challenging G.O(P) No.149/2015/LSGD. dated 30.4.2015 by which it was ordered to merge Thalikulathoor Grama Panchayat with Elathoor Municipality.

2. The petitioner is a resident of Thalikulathoor Grama Panchayat. He is aggrieved by the decision of the Government as per Ext.P4 to covert Thalikulathoor Grama Panchayat into a Municipality for the formation of Elathoor Municipality. The petitioner would point out that there was no meaningful consultation by the Government with the Thalikulathoor Grama Panchayat as mandated by Section 4 of the Kerala Panchayat Raj Act. According to him, the alteration of local bodies without giving due weightage to the loss of facilities to the people is irrational and the conversion of Thalikulathoor Grama Panchayat

to Municipality would increase the burden on the people belonging to the said panchayat.

4. In the counter affidavit filed by the State, they have justified their action on the ground that the Government has conducted a thorough study in the matter through a special committee and thereafter objections were called and the same were considered and preliminary notifications were issued.

5. Arguments have been heard.

6. It appears from the impugned notification that Thalikulathoor Grama Panchayat has to form a part of Elathur Municipality by joining Ward Nos.2, 3, 4, 5, and 75 of the municipal corporation of Thalikulathoor Grama Panchayat. Though there is no constitutional impropriety in transforming the village panchayat to gain urban character as observed by this Court in **Sreekala K. and others v. State of Kerala and others** [2010 (3) KLT 548], the objectionable part of the notification is that the

formation of a new municipality is by carving out certain areas of the existing municipal corporation of Kozhikode also.

7. This Court by a common judgment in W.P(C) No.14218 of 2015 and connected cases has annulled the said procedure and, therefore, as it stands now, there is no possibility of forming Elathur Municipality linking Thalikulathoor Grama Panchayat also, as apprehended by the petitioner.

Therefore, as no further orders are required annulling the said decision, the writ petition is closed in the light of the observation made by this Court in the writ petitions made mention of above.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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