

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. SURENDRA MOHAN

TUESDAY, THE 9TH DAY OF DECEMBER 2014/18TH AGRAHAYANA, 1936

WP(C).No. 16285 of 2014 (I)

PETITIONER :

K.M. SUKUMARAN, AGED 68 YEARS, S/O.K.K.MAYILAN, RESIDING AT KOCHUVEETIL,
NETAJI ROAD, COUNCILLOR, ALUVA MUNICIPALITY, ALUVA
PIN: 683101, ERNAKULAM DISTRICT.

BY ADV. SRI.A.G.BASIL

RESPONDENTS :

1. THE STATE ELECTION COMMISSION, REPRESENTED BY ITS SECRETARY
CORPORATION OFFICE BUILDING COMPLEX, L.M.S. JUNCTION
THIRUVANANTHAPURAM - 695 033.
2. ALUVA MUNICIPALITY, REPRESENTED BY ITS SECRETARY,
ALUVA MUNICIPAL HOUSE, PIN: 683 101, ERNAKULAM DISTRICT.
3. SECRETARY, ALUVA MUNICIPALITY, ALUVA MUNICIPAL HOUSE, PIN: 683 101
ERNAKULAM DISTRICT.
4. GRIGARY JOSEPH, XIV/275, KOLLAMPARAMBIL, ALUVA WEST, ERNAKULAM - 683 101.
5. THE DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION, KAKKANAD - 682 030.
6. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN: 695 001
7. THE KERALA STATE COMMISSION FOR SCHEDULED CASTE & SCHEDULED TRIBE,
REPRESENTED BY ITS SECRETARY, VELLAYAMBALAM, AYYANKALI BHAVAN,
KANAKA NAGAR, VETTIYAR P.O., VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 003.
8. OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
REPRESENTED BY ITS SECRETARY, SAPHALLAYAM COMPLEX
TRIDA BUILDING, PALAYAM, UNIVERSITY P.O., THIRUVANANTHAPURAM, 695 034.
9. ANUJA A.S., (FORMER MUNICIPAL SECRETARY, ALUVA MUNICIPALITY)
NOW RESIDING AT COCHIN CORPORATION QUARTERS
ERNAKULAM - 682 011.

R1 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC, K.S.E.COMM
R2-R3 BY ADV. SRI.V.M.KURIAN, SC, ALUVA MUNICIPALITY
R5 & 6 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R BY GOVERNMENT PLEADER SRI.T.P.SAJID

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-12-2014, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: PHOTOGRAPH OF THE PETITIONER'S HOUSE.

EXT.P2: TRUE COPY OF THE NLC ISSUED BY THE MUNICIPALITY ON 26/8/2010.

EXT.P3: TRUE COPY OF THE CERTIFICATE OF HIS ASSUMING CHARGE AS MUNICIPAL COUNCILLOR ON 4/10/2010.

EXT.P4: TRUE COPY OF THE LETTER ISSUED BY THE ASSISTANT DIRECTOR, LOK SABHA SECRETARIAT, SC/ST BRANCH, PARLIAMENT HOUSE, NEW DELHI DATED 16/1/1992 ISSUED TO THE CHIEF SECRETARY, GOVERNMENT OF KERALA.

EXT.P5: TRUE COPY OF THE INDEX SHEET OF ALUVA MUNICIPALITY INDICATING THE FACT THAT THE PETITIONER'S BUILDING IS NOT ASSESSED TILL 2011.

EXT.P6: TRUE COPY OF THE ORDER OF THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS DATED 28/04/2012.

EXT.P7: TRUE COPY OF THE NOTICE DATED 17/7/2012 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT BEARING NO.R2-7767/2011.

EXT.P8: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 8/8/2012.

EXT.P9: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT DATED 13/9/2012.

EXT.P10: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE CHAIRMAN OF THE STANDING COMMITTEE DATED 20/9/2012.

EXT.P11: TRUE COPY OF THE ORDER PASSED BY THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS DATED 26/7/2013.

EXT.P12: TRUE COPY OF THE JUDGMENT IN WPC NO.22500 OF 2013 DATED 10/9/2013 BEFORE THIS HONOURABLE COURT.

EXT.P13: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER DATED 18/10/2013.

EXT.P14: TRUE COPY OF THE ORDER PASSED BY THE VICE CHAIRPERSON OF ALUVA MUNICIPALITY DATED 10/9/2013.

EXT.P15: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER BY THE OFFICE OF THE DISTRICT COLLECTOR, ERNAKULAM DATED 23/1/2014.

EXT.P16: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER DATED 11/4/2014.

EXT.P17: TRUE COPY OF THE ORDER OF THE STATE ELECTION COMMISSION DATED 30/05/2014 IN R.C.NO.7 OF 2013.

EXT.P18: TRUE COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT DATED 16/6/2014.

EXT.P19: TRUE COPY OF THE GOVERNMENT ORDER DATED 24/3/2012 ISSUED BY THE LOCAL

SELF GOVERNMENT DEPARTMENT WITH REGARD TO THE OFFICERS, WHO CAN REFER THE MATTER, TO THE STATE ELECTION COMMISSION.

EXT.P20: TRUE COPY OF THE MINUTES DATED 29/8/2011 OF THE ALUVA MUNICIPALITY.

EXT.P21: TRUE COPY OF THE REPRESENTATION DATED 14/8/2013 SUBMITTED BY THE PETITIONER TO THE JOINT DIRECTOR OF MUNICIPAL ADMINISTRATION.

EXT.P22: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 19/9/2013 BEFORE THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM

EXT.P23: TRUE COPY OF THE REPRESENTATION AND THE APPEAL FILED BY THE PETITIONER ON 26/2/2014 SUBMITTED BEFORE THE HONOURABLE MINISTER FOR LOCAL SELF GOVERNMENT DEPARTMENT AND URBAN AFFAIRS (3 PAGE ONLY)

EXT.P24: TRUE COPY OF THE LETTER SENT BY THE PRINCIPAL SECRETARY ON 21/5/2014 ASKING TO FURNISH EVIDENCE AND DETAILS TO THE GOVERNMENT TO FINAL ORDER ON THE ISSUE OF THE PETITIONERS CONCERNING THE FIXATION OF FINAL ASSESSMENT ORDER.

EXT.P25: TRUE COPY OF THE NOTICE SENT BY THE 3RD RESPONDENT, ALUVA MUNICIPALITY ASKING THE PETITIONER TO APPEAR BEFORE THE SECRETARY FOR ADDUCING EVIDENCE AND PERSONAL HEARING ON 13/6/2014.

EXT.P26: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER IN PURSUANCE TO EXT.P25 NOTICE (3 PAGES ONLY)

EXT.P27 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE PRINCIPAL SECRETARY TO LOCAL SELF GOVERNMENT, GOVERNMENT OF KERALA NO.29061/RC 2/14/LSG DATED 23.10.2014 ISSUED TO THE PETITIONER

EXT.P28 : TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT DATED 13.11.2014

EXT.P29 : TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY, ALUVA MUNICIPALITY FORWARDING THE D/D FOR RS.4,500/-

EXT.P29(a) : TRUE COPY OF THE DEMAND DRAFT FOR RS.4,500/- DRAWN IN FAVOUR OF SECRETARY, ALUVA MUNICIPALITY, FROM SBI, ERNAKULAM BRANCH

EXT.P30 : TRUE COPY OF THE NOTICE BY THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT

EXT.P31 : TRUE COPY OF THE LETTER SUBMITTED BY GRIGARI IN FORUM A 14 BEFORE THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT DTD.23.10.2014

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.16285 of 2014

Dated this the 9th day of December, 2014

J U D G M E N T

It is submitted by the learned counsel for the petitioner that, Ext.P27 order has been challenged by the petitioner before the Tribunal for Local Self Government Institutions, Thiruvananthapuram. The appeal has been filed after remitting ₹4,000/- towards the amount demanded.

2. In view of the above, it is not necessary for me to consider the contentions of the petitioner raised in this writ petition, on the merits. It is sufficient that the petitioner agitates all his contentions before the Tribunal for Local Self Government Institutions, Thiruvananthapuram in the appeal that he has already filed.

This writ petition is, therefore, disposed of without prejudice to rights of the petitioner to pursue his remedy before the Tribunal for Local Self Government Institutions, Thiruvananthapuram.

Sd/-

K.SURENDRA MOHAN, JUDGE.