

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 18196 of 2015 (Y)

PETITIONER(S):

1. C.K.NARAYANAN, AGED 47 YEARS,
S/O.KOMAN, CHANGINNIYATH HOUSE,
NELLUVAYI P.O., THALAPPILLY THALUK,
THRISSUR DISTRICT.
2. PRASAD C.K. AGED 36 YEARS,
S/O.KJORAN, CHOLLAYIL HOUSE,
KUNDANOOR P.O., THALAPPILLY THALUK,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENT(S):

1. KERALA STATE ELECTION COMMISSION,
OFFICE OF THE KERALA STATE ELECTION COMMISSION,
CORPORATION OFFICE, L.M.S. JUNCTION,
THIRUVANANTHAPURAM - 695 001.
2. ERUMAPETTY GRAMA PANCHAYAT, P.O.ERUMAPETTY,
THALAPPILLY THALUK, THRISSUR DISTRICT,
REPRESENTED BY THE SECRETARY.
3. SECRETARY, ERUMAPETTY GRAMA PANCHAYAT,
P.O.ERUMAPETTY, THALAPPILLY THALUK, THRISSUR DISTRICT.
4. SHAJAN KUDANOOR, MEKATTUKULAM HOUSE,
KUNDANOOR P.O., THALAPPILLY THALUK, THRISSUR DISTRICT.

R1 BY SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 18196 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE TYPED VERSION OF THE SAID RESIGNATION PURPORTED TO HAVE
BEEN WRITTEN BY THE 4TH RESPONDENT DTD.5.6.2015.**

**EXT.P2: TRUE COPY OF THE LETTER WRITTEN BY THE 1ST RESPONDENT TO THE
3RD RESPONDENT DTD.9.6.2015.**

**EXT.P3: TRUE COPY OF THE ABOVE REPRESENTATION SUBMITTED BY THE
PETITIONERS TO THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18196 of 2015

Dated this the 17th day of June, 2015.

JUDGMENT

The petitioner has come up before this Court alleging that the first respondent in violation of Rule 5 of the Kerala Panchayat Raj (Resignation of President, Vice- President or Members) Rules 2000 (for short 'the Rules) has accepted the resignation of the fourth respondent and notified the date for election to the post of President on 24.6.2015, which according to the petitioner is illegal.

2. The fourth respondent was elected President of the Erumapetty Grama Panchayat and the petitioner alleges that the fourth respondent after being misled by the opposition parties, signed a letter which was converted into a resignation letter by the opposition party and the same was handed over to the third respondent.

3. The grievance projected in this writ petition is that the third respondent in violation of Rule 5 of the Rules has

accepted the resignation and forwarded the same to the first respondent and the first respondent in turn has passed Ext.P2 order notifying the date of election of President. It is with this background, the petitioner has come up before this Court.

4. Today, when the matter came up for admission, the learned Standing Counsel for the Election Commission on instructions submitted that Ext.P3 is pending before the Commission and the notice has been issued on the same. It is submitted that a decision shall be taken on Ext.P3 before the date of election.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P3, after affording the petitioner and affected parties an opportunity of being heard at the earliest at any rate before 20.6.2015.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.