

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21775 of 2015 (V)

PETITIONER(S):

**SATHYAN.K.V. , AGED 49 YEARS,
S/O.KELAPPAN, KUTTUVAM VEETIL HOUSE, PALAYAD NADA P.O,
PALAYAD AMSOM, DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICTPIN 673 521.**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SRI.J.S.RAJESH BABU**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. STATE DELIMITATION COMMISSION,
STATE DELIMITATION COMMISSION OFFICE, THIRD FLOOR,
CWC BUILDING, LMS COMPOUND, PALAYAM,
THIRUVANANTHAPURAMPIN 695 033,
REPRESENTED BY ITS SECRETARY.**
- 3. THE DEPUTY DIRECTOR OF PANCHAYAT,
CIVIL STATION P.O, KOZHIKKODE DISTRICT, PIN 673 020.**
- 4. THE JOINT REGIONAL TRANSPORT OFFICER (ADMINISTRATION),
DEPUTY TRANSPORT COMMISSIONER OFFICE, THIRD FLOOR,
CIVIL STATION P.O, KOZHIKKODE DISTRICT, PIN. 673 020.**

**R1,3 & 4 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R2 BY ADV. SRI.MURALI PURUSHOTHAMAN,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE PHOTOCOPY OF THE ORDER NUMBER S.D.C. NO.12/2015 DATED 16.06.2015 ISSUED BY THE SECOND RESPONDENT.**
- P2 - TRUE PHOTOCOPY OF THE GUIDELINES ISSUED BY THE SECOND RESPONDENT.**
- P3 - TRUE PHOTOCOPY OF THE REPRESENTATION DATED 15.07.2015 PREFERRED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.**
- P4 - TRUE PHOTOCOPY OF THE POSTAL RECEIPT WITH RESPECT TO EXHIBIT P3**
- P5 - THE TRUE PHOTOCOPY OF THE ORDER NUMBER A3-2711/06 DATED 11.07.2015 ISSUED BY THE THIRD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21775 of 2015

Dated this the 20th day of July, 2015.

JUDGMENT

The limited prayer in this writ petition is only for a direction to the second respondent to consider Ext.P3 representation within a time frame.

2. The petitioner is a resident of Ward No.16 of Palayad Grama Panchayath who had preferred complaint before the second respondent regarding the division of the wards in the said Grama Panchayath. The petitioner alleges he is aggrieved by Ext.P1 order of the second respondent to the extent it appoints the fourth respondent as the enquiry officer with respect to the delimitation of Maniyur, Palayad Grama Panchayaths. The fourth respondent is not a district level officer and hence, he is incompetent to officiate as the Enquiry Officer. Ext.P2 guidelines issued by the second respondent mandate a person must be having a rank not below that of a District Level Officer for being appointed as Enquiry Officer, it

is alleged. The petitioner is also aggrieved by Ext.P5 order of the third respondent as it is based on the enquiry report submitted by the fourth respondent who is not competent to be appointed as the Enquiry Officer as aforesaid. Also, serious allegations like the forging of documents are attributed to the fourth respondent herein vide Ext. P3, a representation preferred by the petitioner before the second respondent seeking, inter alia, the removal of the fourth respondent from the post of the enquiry officer and also the appointment of a competent person as envisaged under Ext.P2 guidelines as the enquiry officer. In Ext. P3, he is further seeking a direction to such competent enquiry officer to conduct enquiry afresh into the complaints regarding the delimitation of the aforesaid grama panchayaths in a prompt and time bound manner as per law. The petitioner alleges that if the delimitation proceedings which are initiated by Ext.P1 and which have presently culminated in Ext.P5 which in turn rely on the report of the fourth respondent who is not qualified to hold the post,

are allowed to continue it would not only result in serious and irreparable injuries and hardships to the inhabitants of the aforesaid panchayaths like the petitioner, but also would have adverse consequences upon the legal sanctity of the entire delimitation process.

3. I have heard the learned counsel for the petitioner, the learned standing counsel for the second respondent and the learned Government Pleader in the matter.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the second respondent to consider and pass orders on Ext.P3 representation.

Considering the nature of the submissions and the nature of the relief as sought for, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext.P3, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.