

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 24039 of 2015 (D)

PETITIONERS :-

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1. MOHAMMADALI AWECHATTA,
S/O LATE YUSUF ACHAMMADA,
AWECHATTA HOUSE, AMENI, LAKSHADWEEP
 2. DHUFAIL MADALPURA,
S/O MUHAMMADALI PONNIKKAM,
MADALPPURA HOUSE,
AMENI ISLAND, LAKSHADWEEP.

(BOTH THROUGH THEIR POWER OF ATTORNEY HOLDER SRI. ATTAKOYA,
S/o LATE SAYYIS ABOOSALIH, KUNHIKOYA THANGAL, PATHUMATHADA,
AMENI ISLAND).

BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
SRI.THOMAS GEORGE

RESPONDENTS :-

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1. THE ADMINISTRATOR,
LAKSHADWEEP ADMINISTRATION,
U.T. OF LAKSHADWEEP, KAVARATTI - 682 555.
 2. THE REGISTRAR OF CO-OP. SOCIETIES,
KAVARATTI - 682 555.
 3. THE SUB DIVISIONAL OFFICER, AMENI P.O. - 682 552.
 4. AMENI ISLAND CO-OP. SUPPLY & MARKETING SOCIETY No. LMA.3,
REPRESENTED BY ITS SECRETARY, AMENI P.O.,
LAKSHADWEEP - 682 552.

R4 BY ADV.SRI.LAL K.JOSEPH
R4 BY ADV.SRI.A.A.ZIYAD RAHMAN
R4 BY ADV.SRI.JOSEPH KURIAN VALLAMATTAM
R4 BY ADV.SRI.K.H.ANSAR
R1-R3 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP
ADMINISTRATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : COPY OF THE NOTICE DATED 21.07.2015 ISSUED BY THE 4th RESPONDENT.

EXHIBIT P1(a) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT P2 : COPY OF THE COVERING LETTER DATED 22.7.2015 SIGNED BY THE PETITIONER'S REPRESENTATIVE.

EXHIBIT P2(a) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3 : COPY OF THE NOTICE DATED 23.7.2015 ISSUED TO THE 4th RESPONDENT.

EXHIBIT P3(a) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4 : COPY OF THE REPRESENTATION DATED 31.7.2015 ISSUED TO THE 3rd RESPONDENT.

EXHIBIT P5 : COPY OF THE REPRESENTATION DATED 31.7.2015 ISSUED TO THE 1st RESPONDENT.

EXHIBIT P6 : COPY OF THE NOTICE DATED 27.7.2015 ISSUED FROM THE RETURNING OFFICER, LAKSHADWEEP ADMINISTRATION.

EXHIBIT P6(a) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6.

EXHIBIT P7 : COPY OF THE NOTICE DATED 31.7.2015 ISSUED BY THE RETURNING OFFICER, LAKSHADWEEP ADMINISTRATION.

EXHIBIT P8 : COPY OF THE NOTIFICATION DATED 31.7.2015 ISSUED BY THE RETURNING OFFICER, LAKSHADWEEP ADMINISTRATION.

RESPONDENTS' ANNEXURES :

ANNEXURE R4(a) : COPY OF THE RELEVANT PAGES OF THE VOTERS LIST.

ANNEXURE R4(b) : ENGLISH TRANSLATION OF EXHIBIT R4(a).

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 24039 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioners, being the residents of Ameni Island, Lakshadeep, have a grievance that their names have not been included in the voters list prepared by the fourth respondent Society. Having submitted the necessary applications, and later a petition before the appropriate authorities concerning what is said to be their unjustified exclusion from the voters list, the petitioners have approached this Court.

2. The fourth respondent Society along with its statement produced certain exhibits, which also contain Exhibit R4(a), the extract of voters list.

3. The learned counsel for the fourth respondent has submitted that the names of both the petitioners have been included in the voters list, as can be seen in Exhibit R4(a).

4. The learned Senior Counsel for the petitioners has however raised an objection concerning the identity of the person, whose name has been reflected at Serial No.10281 which has the name of one Mr. Amir Dufail Madalapura, son of Muhammedali. According to the learned Senior Counsel, the name is that of the second petitioner's elder brother. At any rate, the singular contention of the learned Senior Counsel for the petitioners is that though there is no dispute with regard to the inclusion of the first petitioner's name, even if it were to be assumed that the name reflected at Serial No.10281 pertains to the second petitioner, it cannot, at the same time, have the impact of displacing his brother from the voters list, who is also an applicant for having his name included in the voters list.

5. In reply, the learned counsel for the fourth respondent has submitted that the vernacular version has both the names. While translating them into english in Exhibit R4(b), a certain error has crept in. In that context, the learned counsel has drawn my attention to Serial No.10429, which reflects 'Jufail Madalapura', who according to the learned counsel is none other than 'Dufail

Madalapura', the very second petitioner.

6. The learned Senior Counsel for the petitioners has fairly submitted that if both the petitioners have been included in the voters list, they cannot have any grievance.

In the facts and circumstances, in the light of the submissions made by the learned counsel for the fourth respondent that the names of both the petitioners have been included in the voters list, the writ petition stands closed as having not survived for further consideration.

It is however made clear that since there is an element of conclusion as regards the names of the second petitioner and his brother, and since the learned counsel for the fourth respondent has gone on record before this Court that both the names have been reflected in the voters list, during the course of elections, they both shall be allowed to exercise their franchise.

DAMA SESHADRI NAIDU
JUDGE

DMR/-