

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 31412 of 2011 (B)

PETITIONER:

**BABY THUPARAMBIL
AGED 43 YEARS, S/O.JOB,
PRESIDENT, AYYANKUNNU GRAMA PANCHAYAT,
ANGADIKADAVU, KANNUR DISTRICT.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.CIBI THOMAS
SRI.P.PRIJITH
SRI.ANEESH JAMES
SRI.P.MARTIN JOSE**

RESPONDENTS:

- 1. K.C. CHACKO
AGED 54 YEARS, S/O.CHACKO,
RESIDING AT KAUNGAL, KOOMANTHOD POST,
KANNUR DISTRICT-670002.**
- 2. AYYANKUNNU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY
AYYANKUNNU GRAMA PANCHAYATH, ANGADIKADAVU-670002.**
- *3. THE STATE ELECTION COMMISSION,
REPRESENTED BY ITS SECRETARY,
LEGISLATIVE COMPLEX, L.M.S. JUNCTION,
THIRUVANANTHAPURAM.**

**R1 BY ADVS. SRI.JIJI THOMAS
SRI.P.R.ASHOK KUMAR
SMT.SMITHA MATHEW
R2 BY ADV. SRI.UNNIKRISHNAN.V. ALAPATT
R3 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC, K.S.E.COMMISSION**

***[R3 IS IMPEADED AS PER ORDER DATED 25-11-2011 IN IA No.18940/2011]**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
AMG**

C.K. ABDUL REHIM, J.

W.P.(c) No. 31412 OF 2011

DATED THIS THE 13th DAY OF NOVEMBER, 2015.

J U D G M E N T

Challenge in this writ petition is against Ext.P5 order passed by the Kerala State Election Commission, Thiruvananthapuram. By the impugned order the petitioner was declared as disqualified for being a member of Ayyankunnu Grama Panchayat, as per Section 3 of the Kerala Local Authorities (Prohibition of Defection) Act. He was also disqualified from contesting as a candidate in an election to any local authority for a period of 6 years from the date provided under Section 4 (3) of the said Act, which is the date of the order of the Commission.

2. Learned Standing Counsel appearing for the additional 3rd respondent submitted that the period of the Grama Panchayat committee in which the petitioner was elected had expired on 31-10-2015 and therefore the issue involved with respect to validity of the disqualification does not survive for consideration. Accordingly it is held that the issue agitated has become infructuous.

3. It is noticed that there is a disqualification imposed as per the impugned order for a period of 6 years from the date of the order on 19-11-2011. Since the order of disqualification existed, the petitioner could not have contested to any local authority in the general elections held to the local bodies of the State during November, 2015. However, if the petitioner is intending to contest in any bye-election before the expiry of the period of disqualification, he will be at liberty to approach this court seeking appropriate relief by seeking restoration of this case.

4. Subject to liberty reserved as mentioned above, this writ petition is dismissed as infructuous.

Sd/-
C.K. ABDUL REHIM
JUDGE

AMG

True copy

P.A. to Judge