

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 28512 of 2015 (L)  
-----

PETITIONER(S):  
-----

1. MATHEW.P.GEORGE, AGED 46 YEARS  
S/O.P.S.GEORGE, WARD MEMBER, WARD NO.19  
PIRAVANTHOOR GRAMA PANCHAYAT AND  
RESIDING AT PULINIKKUNNATHIL VEEDU, PUNNALA.P.O.  
CHACHIKUNNU, PIRAVANTHOOR (VIA)  
KOLLAM DISTRICT - 689 696.
2. SMT.RESHIYA AMMAL, AGED 47 YEARS,  
W/O.MOHAMMED SHEREEF, WARD MEMBER IN WARD NO.20  
NADANNOR, PIRAVANTHOOR GRAMA PANCHAYAT AND RESIDING  
AT SHEREEF MANZIL, PUNNALA P.O.,  
KOLLAM DISTRICT - 689 696.
3. BAIJU.D., AGED 46 YEARS, S/O.DIVAKARAN VAIDYAN  
WARD MEMBER, WARD NO.2, PUNNALA EAST AND RESIDING  
AT AJITH VILLA, PUNNALA P.O., KOLLAM DISTRICT - 689 696.
4. AJITH.D., AGED 48 YEARS,  
S/O.DIVAKARAN VAIDYAN, WARD MEMBER, WARD NO.6  
VAZHANGODE AND RESIDING AT AJITH VILLA, PUNNALA P.O.,  
KOLLAM DISTRICT - 689 696.
5. SMT.LATHA SOMARAJAN, AGED 40 YEARS,  
W/O.SOMARAJAN, WARD MEMBER, WARD NO.21  
CHACHIPUNNA AND RESIDING AT MANIMANGALATHU VEEDU  
PUNNALA P.O., KOLLAM DISTRICT - 689 696.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENT(S):  
-----

1. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT  
LOCAL SELF GOVERNMENT (EM DEPARTMENT) GOVERNMENT  
SECRETARIATE, THIRUVANANTHAPURAM - 695 001.

: 2 :

2. THE DELIMITATION COMMISSION, CORPORATION OFFICE COMPLEX  
LMS JUNCTION, THIRUVANANTHAPURAM - 695 033.  
REPRESENTED BY THE SECRETARY.
3. THE SECRETARY, PIRAVANTHOOR GRAMA PANCHAYAT  
KOLLAM DISTRICT - 689 696.
4. STATE ELECTION COMMISSION,  
CORPORATION OFFICE COMPLEX, LMS JUNCTION,  
THIRUVANANTHAPURAM - 695 033  
REPRESENTED BY THE SECRETARY.
5. THE DEPUTY DIRECTOR OF PANCHAYAT,  
PANCHAYAT DEPUTY DIRECTOR OFFICE,  
KOLLAM DISTRICT - 691 001.
6. THE DISTRICT COLLECTOR, COLLECTORATE  
KOLLAM DISTRICT - 691 001.

R4 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM  
R BY GOVERNMENT PLEADER  
R2 BY SRI.MURALI PURUSHOTHAMAN,SC,DELIMITATIO

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX IN W.P.(C) No.28512 of 2015**

**PETITIONER(S) EXHIBITS**

- EXHIBIT P1 : A TRUE COPY OF GOVERNMENT ORDER G.O.(RT) NO.1465/2014/LSGD DATED 10.6.2014.
- EXHIBIT P2 : A TRUE COPY OF G.O.(RT) NO.3113/2014/LSGD DATED 27.11.2014
- EXHIBIT P3 : A TRUE COPY OF FINAL REPORT DATED 29.12.2014.
- EXHIBIT P4 : A TRUE COPY OF NOTIFICATION NO.S.D.C.40/2015 DATED 30.5.2015 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P5 : A TRUE COPY OF MAP SHOWING PUNNALA GRAMA PANCHAYAT CONSISTING 13 WARDS.
- EXHIBIT P6 : A TRUE COPY ORDER NO.S.D.C.40/2015 DATED 23.7.2015 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P7 : A TRUE COPY OF GAZETTE NOTIFICATION G.O.(P) NO.140/15/LSGD DATED 25.4.2015 ALONG WITH THE SCHEDULE RELATING TO PUNNALA GRAMA PANCHAYAT.
- EXHIBIT P8 : MAP SHOWING THE MOTHER PANCHAYAT NAMELY, PIRAVANTHOOR GRAMA PANCHAYAT.
- EXHIBIT P9 : A TRUE COPY OF ORDER NO.S.D.C.39/2015 DATED 23.7.2015 ISSUED BY THE SECOND RESPONDENT.
- EXHIBIT P10 : A TRUE COPY OF JUDGMENT DATED 10.8.2015 IN W.P.(C) NO.17248/2015 (E) (N.CHANDRASEKHARAN & OTHERS V. STATE OF KERALA & OTHERS) AND CONNECTED CASES, DELIVERED BY THE HON'BLE HIGH COURT OF KERALA.

**RESPONDENT(S) EXHIBITS**

- ANNEXURE R1(A) THE PHOTOCOPY OF THE PROCEEDINGS OF THE FOURTH RESPONDENT NO.552/2015/SEC DATED 7.9.2015.
- ANNEXURE R1(B) THE PHOTOCOPY OF THE PRESS RELEASE DATED 3.10.2015 ISSUED BY THE FOURTH RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

-----  
W.P (C) No.28512 of 2015  
-----

Dated this the 8<sup>th</sup> day of October, 2015

J U D G M E N T

The State Election Commission has been given a free hand to conduct the election as per the interim order passed by the Division Bench in W.A.No.1816/2015 and connected cases. The election process has commenced in accordance with Annexure-R4(a) order consequently passed by the State Election Commission. The petitioner has not chosen to impugn Annexure-R4(a) order by amending the writ petition.

2. The election notification dated 7.10.2015 has already been issued by the State Election Commission. It is reported that nominations are being accepted for the conduct of the election. There is constitutional bar to tinker with the election process under Article 243-O (b) of the Constitution of India [See N.P.Ponnuswami v. Returning Officer (AIR 1952 SC 64)].

3. It has also to be noted that the very formation of the Punnaala Grama Panchayat by G.O.(P) No.140/15/LSGD stands quashed by Ext.P10 judgment. There is also no stay of the operation of Ext.P10

judgment in W.A.No.1816/2015 and connected cases. The area continues to be part of Piravanthoor Grama Panchayat which goes to the polls. The reliefs sought for by the petitioner at this stage are thoroughly misconceived.

The writ Petition fails, dismissed.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj/08.10.15