

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29684 of 2015 (I)

PETITIONER:

**KURUPPATH MATTIL RESIDENTS ASSOCIATION
NEDIYIRIPPU PANCHAYATH, KONDOTTY P.O.
MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY
ABOBACKER.**

BY ADV. SRI.K.RAKESH

RESPONDENTS:

- 1. THE STATE ELECTION COMMISSION
TRIVANDRUM - 695 001**
- 2. THE STATE DELIMITATION COMMISSION,
TRIVANDRUM, KERALA-695 001.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, MALAPPURAM - 676 505.**
- 4. THE DEPUTY COLLECTOR (ELECTIONS),
MALAPPURAM - 676 505.**

**R1 & R2 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC, KERALA STATE
ELECTION COMMISSION
R3 & R4 BY GOVERNMENT PLEADER SRI. BABY JOHN PULIKKAPARAMBIL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

WP(C).No. 29684 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE DRAFT NOTIFICATION DATED 30/07/2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P2- TRUE COPY OF THE OBJECTIONS SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 24/08/2015

EXHIBIT-P3- TRUE COPY OF THE OBJECTIONS SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 11/09/2015

EXHIBIT-P4- TRUE COPY OF THE FINAL DELIMITATION NOTIFICATION DATED 19/09/2015 IN THE KONDOTTY MUNICIPALITY.

EXHIBIT-P5- TRUE COPY OF THE SKETCH PREPARED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 29684 OF 2015

Dated this the 05th day of October, 2015

JUDGMENT

Ext. P4 order issued by the Delimitation Commission with regard to the delimitation of the constituencies is impugned. The order has been issued under Section 10(3A) of the Kerala Panchayat Raj Act. The order has since been published in the Gazette and has the force of law. Therefore there is a constitutional bar to entertain this writ petition under Article 243-O (a) of the Constitution of India. The point is covered by **Nanu M.K. and Others v. State Delimitation Commission and Others [2010 (3) KHC 914]**. I accordingly decline the relief sought for by the petitioner in regard to the delimitation.

2. One another grievance projected by the petitioner is the location of the polling booth. The petitioner contends that the polling booth has to be located near since as many as 25 families have to exercise their right of franchise. It is

open to the petitioner to move appropriate representation with the third respondent in this regard. Any representation filed within two weeks from today shall be dealt with by the third respondent within two weeks therefrom.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS