

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30717 of 2015 (L)

PETITIONER(S) :

1. BHASKARAN.A, AGED 38 YEARS
S/O.NAGOJI RAO, MALLAVARA
ATHUR.P.O, 671 543 KASARGOD DISTRICT
2. KEERTHI PRASAD.K, D/O.LATE CHANDROJI RAO, NADU BAIL HOUSE
MALLAVARA, ATHUR.P.O, 671 543 KASARGOD DISTRICT

BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P.NAIR
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)

RESPONDENT(S) :

1. THE SECRETARY
KARADKA GRAMA PANCHAYAT, KASARGOD DISTRICT 671 121
2. THE ELECTION REGISTRATION OFFICER
KARADKA GRAMA PANCHAYAT, KASARGOD DISTRICT 671 121
3. THE PANCHAYAT ELECTION OFFICER,
KARADKA GRAMA PANCHAYAT
4. THE STATE ELECTION COMMISSION, PALAYAM
STATE ELECTION COMMISSION OFFICE
THIRUVANANTHAPURAM
5. THE DISTRICT ELECTORAL OFFICER, KASARGOD DISTRICT
6. THE DISTRICT COLLECTOR, KASARGOD DISTRICT
7. THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

R4 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM
R5-R7 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)NO.30717/2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF REPRESENTATION SUBMITTED BY THE INDIAN NATIONAL CONGRESS DATED 18.6.2015

P2-TRUE COPY OF THE LETTER NO.4340/H/15/S.E.C DATED 27.6.2015

P3-A TRUE COPY OF REPRESENTATION DATED 30.06.2015 SUBMITTED TO THE 2ND RESPONDENT BY THE INDIAN UNION MUSLIM LEAGUE, KARADKA PANCHAYAT COMMITTEE.

P4-A TRUE COPY OF THE LETTER DATED 2.7.2015 SUBMITTED TO THE RESPONDENTS 1 AND 2.

P5-TRUE COPY OF THE LETTER DATED 3.7.2015 SUBMITTED TO THE FIRST RESPONDENT

P6-THE REPRESENTATION SUBMITTED BY THE INDIAN NATIONAL CONGRESS DATED 8.7.2015.

P7-THE REPRESENTATION SUBMITTED BY THE BHARATIYA JANATA PARTY, KARDKA PANCHAYAT committee TO THE 5TH RESPONDENT DATED 15.7.2015

P8-THE REPRESENTATION SUBMITTED BY THE KARDKA PANCHAYAT UDF COMMITTEE DATED 3.8.2015 TO THE 2ND RESPONDENT.

P9-THE REPRESENTATION DATED 10.09.2015 SUBMITTED BY THE FIRST PETITIONER TO THE 4TH RESPONDENT

P10-THE REPRESENTATION DATED 10.09.2015 SUBMITTED BY THE 2ND PETITIONER TO THE 4TH RESPONDENT.

P11-THE RELEVANT PAGES OF THE VOTERS LIST PUBLISHED FOR THE YEAR 2010.

P12-THE RELEVANT PAGES OF THE VOTERS LIST PUBLISHED FOR THE YEAR 2015.

P13-TRUE COPY OF THE PETITION FILED ON 5.10.2015.

RESPONDENTS EXHIBITS

ANNEXURE R4(A)-PHOTOCOPY OF THE JUDGMENT DATED 3.9.2010 OF THIS HON'BLE COURT IN W.P(C) 27455/2010

TRUE COPY

SKS

P.A. TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 30717 OF 2015

Dated this the 12th day of October, 2015

JUDGMENT

The dispute pertains to inclusion in the voters list about which the petitioners are aggrieved.

2. The 4th respondent has filed a statement wherein it is inter alia averred as follows:

“The inclusion and deletion of names from the electoral roll is a continuous process which has to go on; elections or no elections. The only ban period is from the last date of making nomination to the completion of electoral process for an election. If any person is aggrieved by any entry in the electoral roll or deletion or inclusion of names in the electoral roll, individual statutory applications have to be submitted before the Electoral Registration office under the Kerala Panchayat (Registration of Electors) Rules, 1995. Section 24(3) of the Kerala Panchayat Raj Act, 1994 provides that no amendment, transposition or deletion of any entry shall be made under Section 23 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this Section after the last date for making nominations for an election in that constituency and before the completion of that election.

Application for such purpose has to be filed at least 10 days prior to the date specified for filing nomination and not thereafter.”

2. The above submission of the 4th respondent is recorded. The application if any, filed by the aggrieved persons in time shall be considered accordingly.

The writ petition is disposed of as above.

V. CHITAMBARESH
JUDGE

sks