

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 31453 of 2015 (F)

PETITIONER :

**K.K.PREMJI,
MIDHULAPURI, CLAPPANA SOUTH, CLAPPANA P.O.,
KARUNAGAPALLY, KOLLAM DISTRICT, PIN - 690 525.**

BY ADV. SRI.N.K.SUBRAMANIAN

RESPONDENT(S):

- 1. THE PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT ANNEX COMPLEX,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DIRECTOR OF PANCHAYATH,
OFFICE OF THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DEPUTY DIRECTOR OF PANCHAYATH,
KOLLAM. PIN-691 001.**
- 4. LATHA MARY, SECRETARY,
CLAPPANA GRAMA PANCHAYATH,
KOLLAM-691 001.**

**R1 TO R3 BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R4 BY ADVS. SRI.K.SIJU
SMT.S.SEETHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 31453 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE OWNERSHIP CERTIFICATE NO.C8-5129/2014
ISSUED BY THE 4TH RESPONDENT DATED 22.12.2014**
- EXT.P-2: TRUE COPY OF THE RELEVANT EXTRACT OF THE VOTERS LIST 2010
ASSEMBLY ELECTION**
- EXT.P-3: TRUE COPY OF THE RELEVANT EXTRACT OF VOTERS LIST OF
CLAPPANA EAST FOR THE YEAR 2015 DATED 28.5.2015**
- EXT.P-4: TRUE COPY OF THE QUERY OF THE PETITIONER UNDER THE RIGHT
TO INFORMATION ACT DATED 14.7.2015**
- EXT.P-5: TRUE COPY OF THE REPLY NO.C2.3552/15 OF THE 4TH RESPONDENT
DATED 15.7.2015**
- EXT.P-6: TRUE COPY OF THE QUERY OF THE PETITIONER UNDER THE RIGHT
TO INFORMATION ACT DATED 15.7.2015**
- EXT.P-7: TRUE COPY OF THE REPLY NO.C2.3604/15 OF THE 4TH RESPONDENT
DATED 28.7.2015**
- EXT.P-8: TRUE COPY OF THE REPLY NO.A4-282/15 OF THE TALUK SUPPLY
OFFICER DATED 5.8.2015 UNDER THE RIGHT TO INFORMATION ACT.**
- EXT.P-9: TRUE COPY OF THE COMPLAINT TO THE 1ST RESPONDENT WITH
COPIES TO RESPONDENTS 2 AND 3 DATED 13.8.2015 AND THE
POSTAL REGISTRATION RECEIPTS**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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K.HARILAL, J.

W.P.(C) No.31453 of 2015

Dated this the 25th day of November, 2015.

JUDGMENT

The petitioner is a member of the Clappana Service Co-operative Bank Ltd. No.867, Kollam. According to the petitioner, Exts.P4, P5, P7, P9 and P10 would show that one V.M.Morris, a member of the respondent Bank, is residing in Ward No.6 of Clappana East Village at Karunagappally, Kollam. As per the amendment of the bye-law of the Bank, the said ward was reserved for lady candidates during 2015 elections to the said bank. In order to get over the said difficulty, the said Morris managed to obtain records to show himself as a resident in Ward No.5 of Clappana South, contested and won the election. The 4th respondent issued Ext.P1 ownership certificate to the said Morris stating that he is a resident of Clappana and his nomination was accepted on the basis of Ext.P1 ownership certificate. According to the

petitioner, Ext.P1 certificate was issued by the 4th respondent in violation of law with an intent to give undue advantages to the said Morris. Aggrieved by the acceptance of the nomination paper, as a result of the fraudulent act committed by the said Morris, the petitioner had sent Ext.P9 complaint to respondents 1 to 3. But, the respondents have not taken any action on the said complaint. This is the grievance projected in this writ petition. In the above circumstance, the petitioner sought for a direction to the respondents 1 to 3 to consider Ext.P9 complaint.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the 4th respondent.

3. Interest of justice demands that the grievance of the petitioner shall not be allowed to remain unattended by the competent authority, who is liable to take action on Ext.P9 complaint. In the above view of the matter, the 2nd respondent is directed to consider Ext.P9 complaint and pass orders thereon, after affording an opportunity of being heard to the

petitioner and the 4th respondent, at the earliest, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

4. It is made clear that, in order to facilitate early disposal of the matter, it is open to the petitioner to produce copy of this judgment along with the copy of the memorandum of writ petition and exhibits before the 2nd respondent.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.