

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 32137 of 2015 (N)

PETITIONER:

**ABOOBACKER K.H. AGED 36 YEARS
S/O HUSSAIN, KATTAKAL HOUSE,
KALLANADU PO
KASARAGOD**

**BY ADVS.SRI.R.D.SHENOY (SR.)
SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL
SRI.M.S.IMTHIYAZ AHAMMED**

RESPONDENTS:

- 1. STATE ELECTION COMMISSION, KERALA
CORPORATION OFFICE COMPLX,
L.M. S. JUNCTION, PALAYAM
THIRUVANANTHPURAM-695 033**
- 2. THE DE-LIMITATION COMMISSION , KERALA
OFFICE OF THE DE-LIMITATION COMMISSION
THIRUVANANTHAPURAM THROUGH ITS SECRETARY**
- 3. THE DEPARTMENT FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THOROUGH ITS PRINCIPAL SECRETARY
THIRUVANANTHAPURAM-695 001**
- 4. DIRECTOR OF PANCHAYAT
OFFICE OF THE DIRECTOR OF PANCHAYAT
THIRUVANANTHAPURAM-695 001**
- 5. DEPUTY DIRECTOR OF PANCHAYAT,
KASARAGOD-671 121**
- 6. THE DISTRICT COLLECTOR
COLLECTORATE,
KASARAGOD-671 121**

**R1 & R2 BY ADV.SRI.MURALI PURUSHOTHAMAN, SC, K.S.E. COMMISSION
R3 TO R6 BY GOVERNMENT PLEADER SRI. BOBY JOHN PULIKKAPARAMBIL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 32137 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: COPY OF THE ORDER NO. 1003/15/S.D.C DT. 19/9.15

EXT.P2: COPY OF THE ORDER NO 1003/15/S.D.C DT. 30/9/15

**EXT.P3: COPY OF THE DIVISIONS , PANCHAYATS & PANCHAYAT WARDS IN
KASARGOD BLOCK PANCHAYAT AND SKETCH**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 32137 OF 2015

Dated this the 28th day of October, 2015

JUDGMENT

Ext. P2 order of delimitation of wards in the Kasargode District Panchayat Division is impugned. Such order with regard to the delimitation has the force of law under Section 10(3A) of the Kerala Panchayat Raj Act, 1994. The validity of any law relating to delimitation of the constituencies shall not be called in question in any Court. There is a bar under Article 243 O(a) of the Constitution of India in this regard. The decision in **Meghraj Kothari v. Delimitation Commission and others [AIR 1967 SC 669]** lends support to this conclusion.

2. There is a faint plea in the writ petition as regards the continuance of Ward No. 13 as a general ward and Ward No. 14 as a reserve ward for two consecutive elections. The State Election Commission points out that such a course is inevitable to give effect to the principle of reservation by rotation. The decision in

Geethakrishnan v. State Election Commission [2015

(4) KLT 297] is relied on by the State Election Commission. I find that the order passed by the Electoral Officer as regards reservation has neither been exhibited nor impugned in this writ petition. I deem it fit to leave open the question of reservation of the wards to be considered in appropriate proceedings.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS