

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 32278 of 2015 (H)

PETITIONER(S):

1. AMMINI MATHEW, NO.492
MOOLAMATTOM P.O, ARAKKULAM
2. ANILKUMAR, NO.504, MEMURI THEKKETHIL
MOOLAMATTOM P.O, ARAKKULAM
3. JOHNLEE, KSEB COLONY-XI/468
MOOLAMATTOM
4. GRIGERY (JOLLY), 11/392
KSEB COLONY, MOOLAMATTOM
5. AMITHA MOHAN, 11/193
KSEB COLONY, MOOLAMATTOM
6. JOY, 11/281
KSEB COLONY, MOOLAMATTOM
7. SURESH, 11/233
KSEB COLONY, MOOLAMATTOM
8. MATHUKUTTY, 11/96
KSEB COLONY, MOOLAMATTOM
9. JAYANBABU, 11/297
KSEB COLONY, MOOLAMATTOM
10. SUNIL, 11/56
KSEB COLONY, MOOLAMATTOM
11. MATHAI, 11/420
KSEB COLONY, MOOLAMATTOM
12. PRASAD, 11/263
PAYIPPAD, KSEB COLONY, MOOLAMATTOM
13. GANESH KUMAR, 11/288
PAYIPPAD, KSEB COLONY, MOOLAMATTOM
14. MANJULA.B, 11/468, PULIKKASSERIL
KSEB COLONY, MOOLAMATTOM

15. MINIMOL VARGHESE, 11/245
MOOLAMATTOM
16. THOMAS, 11/488
CHELLAMTHARAYIL, MOOLAMATTOM
17. JOSE, 11/266, THALATHIKUZHIYIL
MOOLAMATTOM
18. SAM, X1, III
MOOLAMATTOM
19. JOSE JACOB, 11/70
MOOLAMATTOM
20. MICHAEL, 11/305
MOOLAMATTOM, THODUPUZZHA
21. sanhdya mol k.a, 11/269
MOOLAMATTOM
22. ISMAIL, 11/322
KSEB COLONY, MOOLAMATTOM

BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI

RESPONDENT(S) :

1. ARAKKULAM GRAMA PANCHAYAT
REP BY ITS SECRETARY
ARAKKULAM GRAMA PANCHAYAT
MOOLAMATTOM P.O, IDUKKI 685 589
2. ELECTION REGISTRATION OFFICER
ARAKKULAM GRAMA PANCHAYAT
MOOLAMATTOM P.O, IDUKKI 685 589
3. THE DISTRICT COLLECTOR
COLLECTORATE, PAINAVU P.O
IDUKKI-685 602.
4. STATE ELECTION COMMISSION
VIKAS BHAVAN, CORPORATION COMPLEX
TRIVANDRUM-695 001
5. STATE OF KERALA REP BY CHIEF SECRETARY, SECRETARIAT
TRIVANDRUM-695 001

R4 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM
R3 AND 5 BY BOBY JOHN PULIKKAPARAMBIL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)NO.32278 OF 2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE FIRST PAGE OF THE VOTERS LIST PUBLISHED BY THE 2ND RESPONDENT

P2-TRUE COPY OF THE OBJECTIONS SUBMITTED BY THE PETITIONERS

P3-TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE FIRST PETITIONER DATED 2.10.2015

P4-TRUE COPY OF THE COMPLAINT FILED BY THE UDF MANDALAM COMMITTEE TO THE THIRD RESPONDENTS

P5-TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE THIRD RESPONDENT DATED 14.10.2015.

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 32278 OF 2015

Dated this the 27th day of October, 2015

JUDGMENT

The non-inclusion of the petitioners as voters from Ward 11 is impugned in this writ petition. The electoral roll remains frozen from 3.p.m on the last date for making nominations until the completion of election. It has been so held in **Narendra Madivalapa Kheni vs. Manikrao Patil and Ors. (AIR 1977 SC 2171)**.

2. There is also a bar to entertain this writ petition under Article 243-O (b) of the Constitution of India. The petitioners are free to agitate this question in a properly constituted election petition.

The writ petition fails and hence dismissed.

V.CHITAMBARESH, JUDGE

sks

