

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34998 of 2015 (Y)

PETITIONER(S):

DINACHANDRAN B., AGED 40 YEARS
S/O.BALAKRISHNA PILLAI
VALLIYATHU KIZHAKKATHIL, AYIKUNNAM, SASTHAMCOTTA P.O.,
KOLLAM DISTRICT.

BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)
SMT.S.SUCHITRA
KUM.SHAHINA HAMEED

RESPONDENT(S):

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1. THE SECRETARY, SOORANAD THEKKU GRAMA PANCHAYATH
KOLLAM DISTRICT - 690 522.
 2. THE RETURNING OFFICER, SOORANAD THEKKU GRAMA PANCHAYATH,
KOLLAM DISTRICT - 690 522.
 3. THE ELECTION OFFICER, SOORANAD THEKKU GRAMA PANCHAYATH
KOLLAM DISTRICT - 690 522.
 4. THE STATE ELECTION COMMISSION, PALAYAM
STATE ELECTION COMMISSION OFFICE,
THIRUVANANTHAPURA - 695 001.
 5. THE DISTRICT ELECTORAL OFFICER, DISTRICT COLLECTOR,
KOLLAM DISTRICT - 690 011.
 6. THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT
SECRETARIATE, THIRUVANANTHAPURAM - 695 001.

: 2 :

7. DARSANAN PILLAI.M., AGED 26 YEARS,
S/O.MOHANAN PILLAI, DARSAN BHAVAN,
AYIKUNNAM, SASTHAMCOTTA P.O., KOLLAM - 690521.

R6 BY SR.GOVERNMENT PLEADER SMT.SANJEETHA.K.A.
R2, 4, 5 BY SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMMISSION.
R7 ADV. SRI.RENJITH THAMPAN (SR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.34998 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE RELEVANT PORTIONS OF THE VOTERS LIST INCLUDING THE NAMES OF THE CANDIDATES.
- EXHIBIT P2 : TRUE COPY OF THE CANDIDATES IDENTITY CARD ISSUED AFTER ACCEPTANCE OF THE NOMINATION ISSUED BY THE RETURNING OFFICER.
- EXHIBIT P3 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE SIXTH RESPONDENT ON 14.11.2015.
- EXHIBIT P4 : TRUE COPY OF THE ACKNOWLEDGED COPY ISSUED BY THE SIXTH RESPONDENT TO THE PETITIONER DATED 16.11.2015.
- EXHIBIT P5 : TRUE COPY OF THE NEWS PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 13.11.2015.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.34998 of 2015

Dated this the 19th day of November, 2015

J U D G M E N T

Heard the counsel for the petitioner, Standing Counsel on behalf of respondents 2, 4 and 5, Senior Government Pleader on behalf of respondent No.6 as well as the Senior Counsel on behalf of respondent No.7.

2. The parties are at variance as to whether the 7th respondent subscribed to a proper oath while assuming office as a member of Sooranad Thekku Grama Panchayat. It is now reported that the 7th respondent has since been elected as the President of the said Panchayat today.

3. The petitioner is free to challenge the election of the 7th respondent as the President under Section 153(14) of the Kerala Panchayat Raj Act, 1984. The incidental question as to whether the 7th respondent subscribed to an oath properly as a member of the Panchayat can also be gone into in the proceedings.

4. The writ Court is not the proper forum to consider such disputed facts unlike in an Election Petition where the parties can adduce evidence.

The writ Petition is dismissed without prejudice to the right of the petitioner as above.

Sd/-
V.CHITAMBARESH,
Judge.

nj/19.11.15