IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

TUESDAY, THE 07TH DAY OF JANUARY 2020 / 17TH POUSHA, 1941

WP(C).No.14852 OF 2019(F)

PETITIONER/S:

DOLLERMAN KOMATH
AGED 41 YEARS
S/O. SHAJIDA DOWSON KOMATH, KOMATH HOUSE,
MURIKKUMPADAM, AZHEEKKAL P.O., KOCHI-682 508

BY ADVS.
SRI.DENIZEN KOMATH
SRI.DIASTUS KOMATH

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY, LOCAL SELF GOVERNMENT (EM),
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001

2 **CHIEF ELECTION COMMISSIONER,**
STATE OF KERALA, THIRUVANANTHAPURAM-695 001

3 **DIRECTOR OF PANCHAYATH,**
SWARAJ BHAVAN, NANTHANCODE,
THIRUVANANTHAPURAM-695 003

4 **THE DISTRICT COLLECTOR,**
CIVIL STATION, KAKKANAD, ERNAKULAM, -682 030

5 **ELAMKUNNAPUZHA GRAMA PANCHAYAT,**
MALIPPURAM P.O., ERNAKULAM-682 511,
REPRESENTED BY ITS SECRETARY

R2 BY SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM
R5 BY ADV. SRI.P.M.BENZIR

OTHER PRESENT:

SRI. RAJASEKHARAN NAIR (SR.GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 7th day of January 2020

The prayer in this writ petition is for a direction to the 3rd respondent to fix the strength of 5th respondent Grama Panchayat based on 2011 census as per the provisions of the Kerala Panchayat Raj Act, 1994.

2. The learned counsel for the petitioner brought to the notice of this Court a judgment dated 7th of July 2015, wherein while disposing of the writ petition, a direction was issued to the respondents to undertake the exercise of bifurcation of two Panchayath before the forth coming election of 2020. It is pointed out that the respondents have flouted the directions with impunity and shown disregard as no such exercise has been undertaken. It is in this back ground, the petitioner has been compelled to approach this Court. It is further requested that this Court can always take the cognizance as per the provisions of the Article 215 of the Constitution of India.

3. Per contra, the learned Government Pleader

submits that no doubt, the directions aforementioned have to be respected and regarded with all humility but in view of the supervening facts, which have existed only in the end of 2019 ie., the Central Government is contemplating to undertake the exercise of preparation of a new census and voters list on account of promulgation of the Citizenship (Amendment) Act, 2019.

Keeping in view the stand of the State and the supervening facts, I am of the view that the directions contained in the order dated 7th of July 2015 are deferred with a direction to the respondents to implement the order after preparation of the new census. In case the new census is prepared before the declaration of the elections, the directions contained in the order, if the time permits, can be adhered to, before the forth coming elections.

The writ petition stands disposed of.

Sd/-

AMIT RAWAL

sab **JUDGE**

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE NO.1 DECISION REACHED BY THE 5TH RESPONDENT GRAMA PANCHAYAT DATED 28.11.2014
EXHIBIT P2	TRUE PHOTOCOPY OF THE COUNTER AFFIDAVIT FILED BY THE GRAMA PANCHAYAT SECRETARY BEFORE THIS HON'BLE COURT IN W.P(C) NO.4260/2015
EXHIBIT P3	TRUE PHOTOCOPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P(C) NO.4260/2015
EXHIBIT P4	TRUE PHOTOCOPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER'S ASSOCIATION DATED 06.05.2019
EXHIBIT P5	A TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 30/09/2019.