

W.A. No. 1538/2020 & batch

: 1:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1538 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24064/2020(G) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN WRIT PETITION:

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
- 3 THE DISTRICT COLLECTOR,
MALAPPURAM CIVIL STATION, MALAPPURAM-676 505.

BY ADVS.
SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI.V.MANU, SENIOR GOVT. PLEADER
SRI.P.NARAYANAN, SENIOR GOVT. PLEADER
SRI.C.M.NAZAR, SPL.GOVERNMENT PLEADER (LSGD)

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WRIT
PETITION:

- 1 NOUFAL BABU E.K.
AGED 34 YEARS
S/O KUNJIMUHAMMED E.K, EYYANAMKUNAN HOUSE,
VANIYAMBALAM P.O.PARAKKULAM, MALAPPURAM-679 339.
- 2 KERALA STATE ELECTION COMMISSION,
JANAHDAM TC 27/6 (2), VIKAS BHAVAN

P.O.THIRUVANANTHAPURAM-695 033.

- 3 THE WANDOOD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, WANDOOD,
MALAPPURAM-679 328.

R1 BY ADV. SRI.K.ANAND(B/O)
R1 BY ADV. SRI.HUSSAIN KOYA VALIYAVEEDAKATH
R1 BY ADV. SRI.BENNY ANTONY PAREL
R1 BY ADV. SMT.DEEPA VALENTINE LESLIE
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. T. R. HARIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH W.A.NOS. 1538, 1539, 1596, 1630, 1614, 1618, 1612, 1617,1624, 1629,1626, 1631, 1633, 1623, 1605, 1632, 1621, 1534, 1625, 1635, 1628, 1642, 1607, 1620, 1610, 1602, 1622, 1611, 1616, 1634, 1609, 1606, 1619, 1627, 1640, 1636, 1638, 1644,1639, 1615, 1643, 1613, 1641, 1637 & 1603 of 2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 3:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1539 OF 2020

AGAINST THE JUDGMENT DATED 14.11.2020 IN WP(C) 24044/2020(E) OF HIGH
COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN W.P.(C):

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -
695 001.
- 3 THE DISTRICT COLLECTOR
MALAPPURAM, CIVIL STATION, MALAPPURAM - 676 505.

BY ADVS.
SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI.P.NARAYANAN, SENIOR GOVT. PLEADER
SRI.V.MANU, SENIOR GOVT. PLEADER
SRI.C.M.NAZAR, SPL.GOVERNMENT PLEADER (LSGD)

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WP(C):

- 1 ABOOBACKER KANNIYAN
AGED 50 YEARS
S/O. MOHAMMED, KIDANGAYI, KARUVAMPURAM P. O., MANJERI,
MALAPPURAM - 676 123.
- 2 KERALA STATE ELECTION COMMISSION
JANAHIHAM TC 27/6(2), VIKAS BHAVAN P. O.,

THIRUVANANTHAPURAM - 695 033.

3 MANJERI MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MANJERI P. O.,
MALAPPURAM - 679 121.

R1 BY ADV. SRI.K.M.FIROZ(B/O)
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SRI.ABDUL KARIM
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SHRI.ABDUL KAREEM N.
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. R. RANJITH, SC

THIS WRIT APPEAL HAVING COME UP FOR ON 14.12.2020, ALONG WITH
WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 5:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1596 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24726/2020(M) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 & 3 IN WRIT PETITION:

1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2 THE DISTRICT COLLECTOR,
PATHANAMTHITTA, COLLECTORATE (PO),
PATHANAMTHITTA DISTRICT-689 645

BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 AND 4 IN WRIT PETITION:

1 SIVADASAN
S/O. BALAKRISHNAN, PLAMTHUNDIL VEEDU, KADAMBANADU
NORTH (PO), ADOOR TALUK, PATHANAMTHITTA DISTRICT.

2 THE STATE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, PALAYAM,LMS JUNCTION,
THIRUVANANTHAPURAM,PIN-695 033, REPRESENTED BY THE
STATE ELECTION COMMISSIONER.

3 THE KADAMBANAD GRAMA PANCHAYAT,
PATHANAMTHITTA, KADAMBANAD P.O.,
PATHANAMTHITTA DISTRICT-691 552, REPRESENTED BY ITS
SECRETARY.

W.A. No. 1538/2020 & batch

: 6:

R1 BY ADV. SRI.M.V.THAMBAN
R1 BY ADV. SRI.R.REJI
R1 BY ADV. SMT.THARA THAMBAN
R1 BY ADV. SRI.ARUN BOSE
R1 BY SRI. B. BIPIN
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 7:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1630 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24048/2020(E) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN WRIT PETITION:

- 1 STATE OF KERALA
REP. BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.
 - 2 THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001
 - 3 THE DISTRICT COLLECTOR
MALLPURAM CIVIL STATION, MALAPPURAM 676 505.
- BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. FIROZ, SPL. GOVERNEMENT PLEADER

RESPONDENT/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WRIT PETITION:

- 1 MOHAMMED ALIAS CHERI C.T.
S/O.ALAVI, AGED 34 YEARS, CHEERANTHODIKA HOUSE,
CHETTIAYRAMAMAL P.O., WANDOOD, MALAPPURAM 679 328
- 2 KERALA STATE ELECTION COMMISSION
JANAHIDAM TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM 695 033.
- 3 WANDOOD GRAMA PANCHAYAT, REP.BY ITS SECRETARY
WANDOOD, MALAPPURAM 679 328

W.A. No. 1538/2020 & batch

: 8:

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SHRI.ABDUL KAREEM N.
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. VINOD RAVINDRANATH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1614 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24127/2020(M) OF HIGH COURT OF KERALA

APPELLANT/RESPONDENTS 1 & 3 IN W.P.(C):

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT DEPARTMENT OF
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM – 695 001.
- 2 THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM – 682 030.

BY ADV. SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 & 4 IN W.P.(C):

- 1 BABU VARGHESE
AGED 48 YEARS
S/O. VARGHESE, MANAPPILLYKUDY HOUSE, PAZHAMTHOTTAM P.O,
EIKARANAD NORTH VILLAGE, ERNAKULAM DISTRICT – 683 565.
- 2 THE STATE ELECTION COMMISSION,
KERALA JANAHITHAM TC 27/6(2), VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM – 695 033,
- 3 THE EIKARANAD GRAMA PANCHAYATH
ERNAKULAM DISTRICT – 683 565.

R1 BY SRI. BIJU C. ABRAHAM
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING HAVING COME UP FOR ADMISSION ON
14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 10:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1618 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24147/2020(P) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1, 3 & 4 IN WRIT PETITION:

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE PRINCIPAL SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT COLLECTOR,
IDUKKI/RETURNING OFFICER TO THE ELECTION TO LOCAL
BODIES, KUYILIMALA, PAINAVU P.O., IDUKKI-685 603.
BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNEMNT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENT NO.2 IN WRIT PETITION:

- 1 INFANT THOMAS
IDUKKI DISTRICT PANCHAYATH MEMBER, ADIMALY DIVISION,
IDUKKI, RESIDING AT MATTEL HOSUE, MACHIPLAVU, ADIMALY,
IDUKKI-685 561.
- 2 THE KERALA STATE ELECTION COMMISSION,
OFFICE OF THE STATE ELECTION COMMISSIN, JANAHDAM TC 27/6
(2), VIKAS BHAVAN, THIRUVANANTHAPURAM-695 033.
R1 BY SRI. P.P.JACOB
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 11:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1612 OF 2020

AGAINST THE JUDGMENT DATEAD 16.11.2020 IN WP(C) 24156/2020(T) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN WRIT PETITION:

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OFKERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT COLLECTOR
MALAPPURAM CIVIL STATION, MALAPPURAM-676 505.

BY SRI. RANJITH THAMPAN, ADDL. AG
SRI. C.M. NAZAR, SPL. GOVERNEMNT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WRIT PETITION:

- 1 SIDDIKH PARAPPARA
S/O. MOIDHEEN, PARAPPARA HOUSE, MOODAL, KUTTIPPURAM P.O.,
MALAPPURAM-679 571.
- 2 KERALA STATE ELECTION COMMISSION,
JANAHDAM TC 27/6 (2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 3 KUTTIPPURAM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KUTTIPPURAM,
MALAPPURAM-679 571.

W.A. No. 1538/2020 & batch

: 12:

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R1 BY ADV. SHRI.ABDUL KAREEM N.
R1 BY SRI. P.C. MOHAMMED NOUSHIQ
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 13:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1617 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24181/2020(W) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN W.P.(C):

- 1 THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695
001.
- 3 THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.

BY SRI. RANJITH THAMPAN, ADDL. AG
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN W.P.(C):

- 1 ABDU RAHIMAN M.,
AGED 55 YEARS, S/O. MOOSA HAJI MUTHERY (LATE),
KOTTAPARAMBIL HOUSE, CHIRAYIL P.O., KONDOTTY, MALAPPURAM-
673 638.
- 2 KERALA STATE ELECTION COMMISSION,
JANAHIAM, TC 27/6(2), VIKAS BHAAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 3 KONDOTTY MUNICIPALITY,

W.A. No. 1538/2020 & batch

: 14:

REPRESENTED BY ITS SECRETARY, KONDOTTY P.O.,
MALAPPURAM-673 638.

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SHRI.ABDUL KAREEM N.
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. K.A. JALEEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 15:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1624 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24202/2020(A) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN WRIT PETITION:

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
 - 2 THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
 - 3 THE DISTRICT COLLECTOR,
MALAPPURAM CIVIL STATION, MALAPPURAM-676 505.
- BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WRIT PETITION:

- 1 P.R.ROHILNATH
S/O.P.V.RAMANATHAN, AGED 39Y YEARS, PULIVETTIKAVIL HOUSE,
CHEMBRESSERY EAST P.O., MALAPPURAM-679 331.
- 2 KERALA STATE ELECTION COMMISSION,
JANAHDHAM TC 26/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 3 PANDIKAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PANDIKAD,

W.A. No. 1538/2020 & batch

: 16:

MALAPPURAM-679 521.

R1 BY ADV. SRI.K.M.FIROZ

R1 BY ADV. SMT.M.SHAJNA

R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ

R1 BY ADV. SHRI.ABDUL KAREEM N.

R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.15348/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 17:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1629 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24235/2020(D) OF HIGH COURT OF
KERALA

APPELLANTS/RESPONDENTS 1 AND 3 IN W.P.(C):

- 1 STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL
SELF GOVERNMENT INSTITUTIONS, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM 695 001
- 2 THE DISTRICT COLLECTOR
ERNAKULAM, COLLECTORATE, CIVIL STATION, KAKKANAND 682
030

BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNEMNT PLEADER

RESPONDENTS/WRIT PETITIONER & RESPONDENTS 2 & 4 IN W.P.(C):

- 1 SHAJAHAN KADAPPALLY
S/O.KOCHU MARAKKAR, AGED 50 YEARS, KADAPPALLY MOOLAYIL,
TOWN HALL, EXTENSION ROAD, CHANGAMPUZHA NAGAR P.O.,
KOCHI 682 033.
- 2 THE STATE ELECTION COMMISSION, KERALA
JANAHITHAM TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM 695 033
- 3 THE KALAMASSERY MUNICIPALITY
REP.BY ITS SECRETARY, KALAMASSERY,
ERNAKULAM DISTRICT 682 033.
R1 BY SRI. S.M. PRASANTH
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

W.A. No. 1538/2020 & batch

: 18:

R3 BY SRI. ABOOBAKAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 19:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1626 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24253/2020(F) OF HIGH COURT OF KERALA

APPELLANT/RESPONDENT NO.2 IN WRIT PETITION:

THE DISTRICT COLLECTOR
2ND FLOOR, CIVIL STATION BUILDING, CIVIL STATION ROAD,
THIRUVANANTHAPURAM – 695 043.
BY RANJITH THAMPAN, ADDL. AG
SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONERS AND RESPONDENT NO.1 IN WRIT PETITION:

- 1 AHAMMED S
S/O. SHAJAHAN, THADATHARIKATHUVEEDU, WARD 09,
PEINGAMMALA, CHITTOR, DAIVAPURA P.O, TRIVANDRUM.
- 2 SREEJITH P
S/O. RADHA DEVI, SREEVIHAR, WARD 16, ERINGAMMALA,
KANNANCODE, KOCHUVILA P.O, TRIVANDRUM.
- 3 KERALA STATE ELECTION COMMISSION
KERALA JANAHITHAM TC. 27/6 (2) VIKAS BHAVAN,
THIRUVANANTHAPURAM – 695 033, REPRESENTED BY ITS
SECRETARY.

R1 & R2 BY SRI. MATHEWS J. NEDUMPARA
R3 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch : 20:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1631 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24340/2020(N) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT IN WRIT PETITION:

THE DISTRICT COLLECTOR
CIVIL STATION, THIRUVANANTHAPURAM-695 043.

BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 & 3 IN WRIT PETITION:

- 1 VINU S.LAL
S/O. RAVEENDRAN NAIR, LAL COTTAGE, THANNIMMOODU,
ELAVATTOM P.O., KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM.
- 2 THE STATE ELECTION COMMISSIONER,
PALAYAM, THIRUVANANTHAPURAM,PIN-695 033.
- 3 THE NANNIYODE GRAMA PANCHAYAT,
NANNIYODE P.O., THIRUVANANTHAPURAM, REPRESENTED BY ITS
SECRETARY-695 562

R1 BY SMT. BINITHA JAMES
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1633 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24582/2020(W) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 & 3 IN WRIT PETITION:

- 1 THE STATE OF KERALA,
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS,
SECRETARIAT ANNEXE, THIRUVANANTHAPURAM-695 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.
- 2 THE REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS,
RSNRA 29, QAC ROAD, KARBALA, KOLLAM, KERALA-691 001.

BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNEMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 & 4 IN WRIT PETITION:

- 1 K. RADHAKRISHNAN NAIR,
S/O. KUNJAN PILLAI, RAGAM, PANKONAM, THRIKKOVILVATTOM,
MUKHATHALA P.O., KOLLAM-691 577.
- 2 THE STATE ELECTION COMMISSION,
CORPORATION OFFICE COM,PLEX, LMS JUNCTION, NEDUMANGAD,
THIRUVANANTHAPURAM-695 033, REPRESENTED BY ITS
SECRETARY.
- 3 THE THRIKKOVILVATTOM GRAMA PANCHAYATH
MUKHATHALA P.O., KOLLAM-691 577, REPRESENTED BY ITS
SECRETARY.
R1 BY SRI. BIJITH S. KHAN
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. V. RANJITH KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 22:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1623 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24694/2020(J) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 IN WRIT PETITION:

- 1 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURA-695 001.
- 3 THE DISTRICT COLLECTOR,
KOZHIKODE, CIVIL STATION, KOZHIKODE-673 020.
BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 AND 5 IN WRIT PETITION:

- 1 O.HUSSAIN
S/O. MOOSA, OLONGAL HOUSE, PANTHEERPADAM,
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT-673 571.
- 2 KERALA STATE ELECTION COMMISSION,
JANAHDAM TC 27/6 (2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 3 KUNNAMANGALAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KUNNAMANGALAM,
KOZHIKODE-673 571.
R1 BY SRI. M. MUHAMMED SHAFI
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 23:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1605 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24893/2020(J) OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2, 3 & 5 IN WRIT PETITION:

- 1 THE DISTRICT COLLECTOR
IDUKKI/DISTRICT ELECTION OFFICER, OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE, KUYILIMALA, PAINAV P.O.,
IDUKKI-685 603.
- 2 THE STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1 & 4 IN WRIT PETITION:

- 1 ROBIN THOMAS
S/O.THOMAS, NARIPPARAYIL, ATTAPPALLAM, ATTAPPALLAM,
KUMILY, IDUKKI-685 509.
- 2 KERALA STATE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM, PIN-695 033, REPRESENTED BY ITS SECRETARY.

W.A. No. 1538/2020 & batch

: 24:

3 KUMILY GRAMA PANCHAYAT,
KUMILY GRAMA PANCHAYATH P.O., IDUKKI DISTRICT-685 509,
REPRESENTED BY ITS SECRETARY.

R1 BY SRI. AJITH PRAKASH C.S.
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. JILI J. VADAKKEDOM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1632 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24906/2020(K) OF HIGH COURT OF
KERALA

APPELLANTS/RESPONDENTS 1 & 3 IN WRIT PETITION:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM-682 030.
BY SRI. RANJITH THAMPAN, ADDL. AG
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 & 4 IN WRIT PETITION:

- 1 ALIAS K. PAUL,
S/O. POULOSE, PANICHIL HOUSE, PARAPEEDIKA, EYKARANAD,
ERNAKULAM DISTRICT.
- 2 THE STATE ELECTION COMMISSION,
KERALA JANAHITHAM, TC 27/6(2), VIKAS BHAVAN,
THIRUVANANTHAPURAM-695 033.
- 3 THE EYKARANAD GRAMA PANCHAYAT,
ERNAKULAM DISTRICT-682 311.
R1 BY SRI. BIJU C. ABRAHAM
R2 BY SRI. MURALI PURUSHOTHAMAN, SC
R3 BY SRI. N.K. POULOSEKUTTY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1621 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24440/2020(D) OF HIGH COURT OF
KERALA

APPELLANT/3RD RESPONDENT IN W.P(C):

REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS
DEPARTMENT OF URBAN AFFAIRS, 17/2094 GH BAZAR,
PALAYAM, KOZHIKODE - 673 001.
BY ADV. SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL
SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

RESPONDENTS/WRIT PETITIONER & RESPONDENTS 1 & 2 IN W.P.(C):

- 1 JESTINE P. V.
AGED 52 YEARS
S/O. VARGHESE, PANACHIL HOUSE, PAYYAMBALLI P. O.,
MUDRAMOOLA, WAYANAD DISTRICT - 670 646.
- 2 THE STATE ELECTION COMMISSION, KERALA
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM - 695 033.
- 3 MANATHAVADY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MANATHAVADY, WAYANAD
DISTRICT - 670 645.
R1 BY SRI. JUSTINE JACOB
R2 BY SRI. MURALI PURUSHOTHAMAN, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 27:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1534 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24064/2020(G) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT IN W.P.(C):

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC - 27/6(2), VIKAS BHAVAN P. O.,
THIRUVANANTHAPURAM - 695 033.

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 NOUFAL BABU E. K.
AGED 34 YEARS
S/O. KUNHIMUAMMED E. K., EYYANAMKUNAN HOUSE,
VANIYAMBALAM P. O., PARAKKULAM, MALAPPURAM - 679 339.
- 2 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 3 THE SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -
695 001.
- 4 THE DISTRICT COLLECTOR
MALAPPURAM CIVIL STATION, MALAPPURAM - 676 505.
- 5 WANDOOR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, WANDOOR, MALAPPURAM - 679

328.

R1 BY ADV. SRI.K.ANAND (B/O)
R1 BY ADV. SRI.HUSSAIN KOYA VALIYAVEEDAKATH
R1 BY ADV. SRI.BENNY ANTONY PAREL
R1 BY ADV. SMT.DEEPA VALENTINE LESLIE
R2-3 BY SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
R2-3 BY SRI.C.M.NAZAR, SPL.GOVERNMENT PLEADER (LSGD)
R2-4 BY SRI.P.NARAYANAN, SPL.GOVERNMENT PLEADER
R2-4 BY SRI.V.MANU, SENIOR GOVT. PLEADER
R5 BY ADV. SRI.VINOD RAVINDRANATH
R5 BY SRI. T.R. HARIKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 29:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1625 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24044/2020(E) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHIAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 ABOOBACKER KANNIYAN
AGED 50 YEARS
S/O.MOHAMMED, KIDANGAYI, KARUVAMPURAM P.O., MANJERI,
MALAPPURAM-676 123.
- 2 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT SECRETARIAT, GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695
001.
- 4 THE DISTRICT COLLECTOR, MALAPPURAM,
CIVIL STATION, MALAPPURAM-676 505.
- 5 MANJERI MUNICIPALITY,

W.A. No. 1538/2020 & batch

: 30:

REPRESENTED BY ITS SECRETARY, MANJERI P.O., MALAPPURAM-
676 121.

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SHRI.ABDUL KAREEM N.
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 TO R4 BY SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER
R5 BY SRI. RENJITH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1635 OF 2020

AGAINST THE UJGMENT DATED 16.11.2020 IN WP(C) 24726/2020(M) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

STATE ELECTION COMMISSION
KERALA, CORPORATION OFFICE COMPLEX, LMS JUNCTION,
PALAYAM, THIRUVANANTHAPURAM - 695 033. PRESENT ADDRESS
JANAHITHAM, T.C.27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 AND 4:

- 1 SIVADASAN
AGED 54 YEARS
S/O.BALAKRISHNAN, PLAMTHUNDIL VEEDU, KADAMBANADU
NORTH (PO), ADOOR TALUK, PATHANAMTHITTA DISTRICT.
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE DISTRICT COLLECTOR,
PATHANAMTHITTA COLLECTORATE (PO), PATHANAMTHITTA
DISTRICT, PIN - 689 645.
- 4 KADAMPANADU GRAMA PANCHAYAT,
PATHNAMTHITTA, KADAMPANADU P.O., PATHANAMTHITTA

W.A. No. 1538/2020 & batch

: 32:

DISTRICT,
PIN - 691 552, REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI.M.V.THAMBAN

R1 BY ADV. SRI.R.REJI

R1 BY ADV. SMT.THARA THAMBAN

R1 BY ADV. SRI.B.BIPIN

R1 BY ADV. SRI.ARUN BOSE

R2 & R3 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 & R3 BY SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING HAVING COME UP FOR ADMISSION ON
14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 33:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1628 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 23095/2020(J) OF HIGH COURT OF
KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION,
JANAHITHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM

RESPONDENTS/WRIT PETITIONER & RESPONDENTS 2 TO 4:

- 1 ISMAYIL,
AGED 54 YEARS, S/O. MOYIN, PARASUNAMKUNNAN HOUSE,
KARAPPURAM P.O., EDAKKARA VIA, MALAPPURAM-679 331.
- 2 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAURAM-695 001.
- 3 THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.
- 4 DISTRICT PANCHAYATH,
MALAPPURAM, REPRESENTED BY ITS SECRETARY, CIVIL STATION,
MALAPPURAM-676 505.
R1 BY SRI. K.M. FIROZ
R1 BY SRI. P.C. MOHAMMED NOUSHIQ
R2 & R3 BY SRI. RANJITH THAMPAN, ADDL.. AG
R2 & R3 BY SRI. C.M. NAZAR, SPL. GOVERNEMNT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 34:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1642 OF 2020

AGAINST THE JUDGMENT DATED 18.11.2020 IN WP(C) 23959/2020(T) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

STATE ELECTION COMMISSIONER,
KERALA, CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM - 695 033., PRESENT ADDRESS - JANAHITHAM,
TC - 27/6(2), VIKAS BHAVAN P. O., THIRUVANANTHAPURAM - 695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER & 2ND RESPONDENT:

- 1 HAKEEM A.
AGED 44 YEARS
S/O. ABOOBACKER, EDAMALATHODI HOUE, 17/173, NARIKOTHI,
PALAKKAD - 678 001.
- 2 PALAKKAD MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE, PALAKKAD - 678
001.

R1 BY SRI. SANTHEEP ANKARATH
R2 BY SRI. BINOY VASUDEVAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 35:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1607 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24048/2020(E) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 MOHAMMED ALIAS CHERI C.T.
AGED 34 YEARS
S/O.ALAVI, CHEERANTHODIKA HOUSE, CHETTIAYRAMAMAL,
P.O.WANDOOD, MALAPPURAM-679 328.
- 2 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-
695 001.
- 4 THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.
- 5 WANDOOD GRAMA PANCHAYATH,

REPRESENTED BY ITS SECRETARY, WANDOOD,
MALAPPURAM-679 328.

R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SHRI.ABDUL KAREEM N.
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 TO R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER
R5 BY SRI. VINOD RAVINDRANATH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 37:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1620 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24082/2020(I) OF HIGH COURT OF KERALA

APPELLANT/RESPONDENT:

STATE ELECTION COMMISSION, KERALA
KERALA, JANAHITHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033, REPRESENTED BY ITS
SECRETARY.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENT/WRIT PETITIONER:

AHAMMED KABEER A.
AGED 52 YEARS, S/O. ABDUL RAHUMAN, VALUPACHAYIL HOUSE,
MANJAPPARA, THALIKUZHY P.O., PULIMATH (VIA),
THIRUVANANTHAPURAM-695 612.

SRI. BABU JOSEPH KURUVATHAZHA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch : 38:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1610 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24127/2020(M) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 & 4:

- 1 BABU VARGHESE
AGED 48 YEARS
S/O. VARGHESE, MANAPPILLYKUDY HOUSE, PAZHAMTHOTTAM,
P.O., EIKARNAD NORTH VILLAGE, ERNAKULAM DISTRIAT-683 565.
- 2 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD, ERNAKULAM-682 030.
- 4 THE EIKARNAD GRAMA PANCHAYAT
ERNAKULAM DISTRICT-683 565, REPRESENTED BY ITS SECRETARY.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1602 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24147/2020(P) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 & 4:

- 1 INFANT THOMAS
AGED 55 YEARS
IDUKKI DISTRICT PANCHAYATH MEMBER, ADIMALY DIVISION,
IDUKKI, RESIDING AT MATTEL HOUSE, MACHIPLAVU, ADIMALY,
IDUKKI-685 561.
- 2 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNEMNT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE PRINCIPAL SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 4 THE DISTRICT COLLECTOR
IDUKKI/RETURNING OFFICER TO THE ELECTION TO LOCAL
BODIES, KUYILIMALA PAINAVU, P.O. IDUKKI-685 603.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 40:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1622 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24156/2020(T) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 SIDDIKH PARAPPARA
AGED 48 YEARS
S/O. MOIDHEEN, PARAPPARA HOUSE, MOODAL, KUTTIPPURAM P.O.,
MALAPPURAM-679 571.
- 2 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695
001.
- 4 THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.

5 KUTTIPPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KUTTIPPURAM,
MALAPPURAM-679 571.

R1 BY ADV. SRI.K.M.FIROZ

R1 BY ADV. SMT.M.SHAJNA

R1 BY ADV. SRI.E.C.AHAMED FAZIL

R1 BY ADV. SHRI.ABDUL KAREEM N.

R1 BY SRI. P.C. MUHAMMED NOUSHIQ

R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 TO R4 BY SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1611 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24181/2020(W) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 ABDU RAHIM M.
AGED 55 YEARS
S/O.MOOSA HAJI MUTHERY (LATE), KOTTAPARAMBIL HOUSE,
CHIRAYIL P.O., KONDOTY, MALAPPURAM-673 638.
- 2 THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695
001.
- 4 THE DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.
- 5 KONDOTTY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KONDOTTY P.O.,

W.A. No. 1538/2020 & batch

: 43:

MALAPPURAM-673 638.

R1 BY ADV. SRI.K.M.FIROZ

R1 BY ADV. SMT.M.SHAJNA

R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ

R1 BY ADV. SHRI.ABDUL KAREEM N.

R1 BY SRI. P.C. MOHAMMED NOUSHIQ

R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 TO R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

R5 BY SRI. K.A. JALEEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 44:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1616 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24202/2020(A) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION,
JANAHITHAM, TC27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 P.R. ROHILNATH,
S/O. P.V. RAMANATHAN, AGED 39, PULIVETTIKAVIL HOUSE,
CHEMBRESSERY EAST P.O., MALAPPURAM-679 331.
- 2 THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT
OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 4 THE DISTRICT COLLECTOR,
MALAPPURAM CIVIL STATION, MALAPPURAM-676 505.
- 5 PANDIKAD GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PANDIKAD,
MALAPPURAM-676 521.

W.A. No. 1538/2020 & batch

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R1 BY ADV. SRI.K.M.FIROZ
R1 BY ADV. SRI.P.C.MUHAMMED NOUSHIQ
R1 BY ADV. SMT.M.SHAJNA
R1 BY ADV. SHRI.ABDUL KAREEM N.
R1 BY ADV. SRI.E.C.AHAMED FAZIL
R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 TO R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 46:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1634 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24235/2020(D) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2) VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 & 4:

- 1 SHAJAHAN KADAPPALLY
AGED 50 YEARS
S/O. KOCHU MARAKKAR, KADAPPALLY MOOLAYIL, TOWN HALL
EXTENSION ROAD, CHANGAMPUZHA NAGAR P.O., KOCHI-682 033
- 2 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT
OF LOCAL SELF GOVERNMENT INSTITUTIONS, GOVERNMENT OF
KERALA, THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT COLLECTOR ,
ERNAKULAM, COLLECTORATE, CIVIL STATION, KAKKANAD,PIN-682
030,
- 4 THE KALAMASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KALAMASSERY, ERNAKULAM
DISTRICT, PIN-682 033

W.A. No. 1538/2020 & batch

: 47:

R1 BY ADV. SRI.K.RAMAKUMAR (SR.)
R1 BY ADV. SRI.T.RAMPRASAD UNNI
R1 BY ADV. SRI.S.M.PRASANTH
R1 BY ADV. SMT.R.S.ASWINI SANKAR
R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 TO R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER
R4 BY SRI. ABOOBACKAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 48:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1609 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24253/2020(F) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033, REPRESENTED BY ITS
SECRETARY.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONERS AND 2ND RESPONDENT:

- 1 AHMMAD S.
AGED 24 YEARS
S/O.SHAJAHAN, THADATHARIKATHUVEEDU, WARD NO.09,
PERINGAMMALA, CHITTOR, DAIVAPURA P.O.,
THIRUVANANTHAPURAM-695 563.
- 2 SREEJITH.P.,
AGED 33 YEARS
S/O.RADHA DEVI, SREEVIHAR, WARD NO.16, PERINGAMMALA,
KANNANCODE, KOCHUVILA P.O., THIRUVANANTHAPURAM-695 563.
- 3 THE DISTRICT COLLECTOR,
2ND FLOOR, CIVIL STATION, BUILDING, CIVIL STATION ROAD,
THIRUVANANTHAPURAM-695 043.
R1 & R2 BY SRI. MATHEWS J. NEDUMPARA
R3 BY SRI. RANJITH THAMPAN, ADDL. AG
R3 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 49:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1606 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24340/2020(N) OF HIGH COURT OF
KERALA

APPELLANT/1ST RESPONDENT:

STATE ELECTION COMMISSION
PALAYAM, THIRUVANANTHAPURAM-695 033, PRESENT ADDRESS-
JANAHIHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 & 3:

- 1 VINU S. LAL
AGED 46 YEARS
S/O. RAVEENDRAN NAIR, LAL COTTAGE, THANNIMOODU,
ELAVATTOM P.O., KURUPUZHA VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT, PIN-695 562.
- 2 THE DISTRICT COLLECTOR,
CIVIL STATION, THIRUVANANTHAPURAM-695 043.
- 3 NANNIYODE GRAMA PANCHAYAT,
NANNIYODE P.O., THIRUVANANTHAPURAM, PIN-695 562,
REPRESENTED BY ITS SECRETARY.
R1 BY SRI. BINITHA JAMES
R2 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 50:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1619 OF 2020

JUDGMENT DATED 16.11.2020 IN WP(C) 24440/2020(D) OF HIGH COURT OF
KERALA

APPELLANT/1ST RESPONDENT:

STATE ELECTION COMMISSION, KERALA,
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695 033, PRESENT ADDRESS-
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC,

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 & 3:

- 1 JESTIN P.V.
AGED 52 YEARS
S/O.VARGHESE, PANACHIL HOUSE, PAYYAMBALLI P.O.,
MUDRAMOOLA, WAYANAD DISTRICT-670 646.
- 2 MANANTHAVADY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MANANTHAVADY, WAYANAD
DISTRICT-670 645.
- 3 REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS,
DEPARTMENT OF URBAN AFFAIRS, 17/2094 GH BAZAR, PALAYAM,
KOZHIKODE-673 001.

R1 BY SRI. JUSTINE JACOB
SRI. K.S. ARUN KUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 51:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1627 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24503/2020(K) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

STATE ELECTION COMMISSION
KERALA, CORPORATION OFFICE COMPLEX, LMS JUNCTION,
PALAYAM, THIRUVANANTHAPURAM-695 033, PRESENT ADDRESS-
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND 2ND RESPONDENT:

- 1 YARSHAD
AGED 38 YEARS
S/O. ABDUL JAMAL, JALEEL MANZIL, MAVARTHALA,
CHEKKAKONAM, POST KARAKULAM, THIRUVANANTHAPURAM
DISTRICT, PIN-695 564.
- 2 KARAKULAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, NEDUMANGAD ARUVIKKARA
ROAD, KARAKULAM,
THIRUVANANTHAPURAM DISTRICT, PIN-695 564.
SRI. SANTHEEP ANKARATH FOR R1

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1640 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24582/2020(W) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

STATE ELECTION COMMISSION
KERALA, CORPORATION OFFICE COMPLEX, LMS JUNCTION,
PALAYAM, THIRUVANANTHAPURAM-695 033, REPRESENTED BY ITS
SECRETARY, PRESENT ADDRESS- JANA HITHAM,
T C-27/6(2), VIKAS BHAVAN P O, THIRUVANANTHAPURAM-695
033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 AND 4:

- 1 K.RADHAKRISHNAN NAIR
AGED 63 YEARS
S/O KUNJAN PILLAI,
RAGAM, PANKONAM,
THRIKKOVILVATTOM,
MUKHATHALA P O,
KOLLAM-691 577.
- 2 THE STATE OF KERALA
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS,
SECRETARIAT ANENXE, THIRUVANANTHAPURAM-695 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.
- 3 THE REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS
SNRA-29, QAC ROAD, KARBALA, KOLLAM,
KERALA-691 001.

W.A. No. 1538/2020 & batch

: 53:

4 THE THRIKKOVLVATTOM GRAMA PANCHAYAT
MUJHATHALA P O, KOLLAM-691 577, REPRESENTED BY ITS
SECRETARY.

R2 & R3 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 & R3 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 54:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1636 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24694/2020(J) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033.

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 O.HUSSAIN
AGED 51 YEARS
S/O.MOOSA, OLONGAL HOUSE, PANTHEERPADAM,
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT, PIN - 673 571.
- 2 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 3 THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT
THE GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 4 THE DISTRICT COLLECTOR
KOZHIKODE, CIVIL STATION, KOZHIKODE - 673 020.
- 5 KUNNAMANGALAM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KUNNAMANGALAM,
KOZHIKODE - 673 571.

W.A. No. 1538/2020 & batch

: 55:

R1 BY SRI. MUHAMMED SHAJI

R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 TO R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1638 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24798/2020(Y) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

STATE ELECTION COMMISSION,KERALA
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695 033,
REPRESENT ADDRESS JANAHITHAM, TC-27/6(2), VIKAS BHAVAN
P.O., THIRUVANANTHAPURAM-695 033

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/ WRIT PETITIONER & 2ND RESPONDENT:

- 1 DIBIN T, AGED 35 YEARS,
S/O. THILAKAN, PUTHANPURAYIL HOUSE, EROOR SOUTH,
THRIPUNITHURA, EROOR, ERNAKULAM DISTRICT,PIN-682 306
- 2 THRIPUNITHURA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
THRIPUNITHURA-682 301

R1 BY SRI. SAJEEV KUMAR K. GOPAL

R2 BY SRI. MANU VILSON

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 57:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1644 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24893/2020(J) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX,
LMS JUNCTION, PALAYAM, THIRUVANANTHAPURAM - 695 033, REP.
BY ITS SECRETARY, PRESENT ADDRESS.JANAHIYHAM, TC-27/6(2),
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM -695 033

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC,

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 ROBIN THOMAS
AGED 36 YEARS, S/O.THOMAS, NARIPPARAYIL, ATTAPPALLAM,
ATTAPPALLAM, KUMILY, IDUKKI 685 509
- 2 DISTRICT COLLECTOR
IDUKKI/DISTRICT ELECTION OFFICER, OFFICE OF THE DISTRICT
COLLECTOR, COLLECTORATE, KUYILIMALAM PAINAV P.O.,
IDUKKI 685 603.
- 3 STATE OF KERALA
REP.BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
- 4 KUMILY GRAMA PANCHAYATH
KUMILY GRAMA PANCHAYATH P.O., IDUKKI DISTRICT, PIN 685 509,
REP.BY ITS SECRETARY.

5 THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, THE
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001
R1 BY SRI. AJITH PRAKASH,
R4 BY SRI. LIJI J. VADAKEDOM
R2, R3 & R5 BY SRI. RANJITH THAMPAN, ADDL. AG
R2, R3 & R5 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.15348/2020 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1639 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24906/2020(K) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM 695 033

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 1, 3 & 4:

- 1 ALIAS K PAUL
AGED 30 YEARS
S/O.POULOSE,PANICHIL HOUSE, PARAPEEDIKA, EYKARANAD,
ERNAKULAM DISTRICT, PIN 682 308.
- 2 STATE OF KERALA
REP.BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL
SELF GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
- 3 THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD, ERNAKULAM 682 030.
- 4 THE EYKARANAD GRAMA PANCHAYAT,
ERNAKULAM DISTRICT 682 311.
R1 BY SRI. BIJU C. ABRAHAM
R4 BY SRI. N.K. POULOSEKUTTY
R2 & R3 BY SRI. RANJITH THAMPAN, ADDL. AG
R2& R3 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 60:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1615 OF 2020

AGAINST THE JUDGMENT DATED 16.11.2020 IN WP(C) 24935/2020(N) OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM - 695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONERS AND RESPONDENTS 1, 3 & 4:

- 1 MOHANAN S.
AGED 56 YEARS, S/O.SUKUMARAN, RESIDING AT CHAITHRAM,
KADAMBANAD, MANNADI P.O., PATHANAMTHITTA - 691 530.
- 2 REJI MAMMEN
AGED 48 YEARS, S/O.M.MAMACHAN, RESIDING AT
MUGALUMPURATHU EBENEZAR VILLA, KADAMBANAD NORTH P.O.,
PATHANAMTHITTA - 691 552.
- 3 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT
OF LOCAL SELF GOVERNMENT INSTITUTIONS, GOVERNMENT OF
KERALA, THIRUVANANTHAPURAM - 695 011.
- 4 THE DISTRICT COLLECTOR
2ND FLOOR, COLLECTORATE ROAD, CHITTOOR, PATHANAMTHITTA,
KERALA - 689 645.
- 5 KADAMBANAD GRAMA PANCHAYATH

W.A. No. 1538/2020 & batch

: 61:

REPRESENTED BY ITS SPECIAL GRADE SECRETARY, KADAMBANAD
SOUTH P.O., PATHANAMTHITTA - 691 553.

R1 & R2 BY SRI. T.C. SURESH MENON

R3 & R4 BY SRI. RANJITH THAMPAN, ADDL. AG

R3& R4 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1643 OF 2020

JUDGMENT DATED 19.11.2020 IN WP(C) 25393/2020(Y) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION,
JANAHITHAM, TC 27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 4:

- 1 VARGHESE ELDHO
AGED 47 YEARS, S/O. ELDHOSE, EDAKKUDIYIL HOUSE,
MACHIPLAVU P.O., ADIMALY GRAMA PANCHAYAT-685 561.
- 2 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT
INSTITUTIONS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT COLLECTOR,
IDUKKI, CIVIL STATION, PAINAVU-685 603.
- 4 ADIMALY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ADIMALY-685 561.

R1 BY SRI. BABU PAUL

R2 & R3 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 & R3 BY SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 63:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1613 OF 2020

AGAINST THE JUDGMENT DATED 19.11.2020 IN WP(C) 25453/2020(F) OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

THE KERALA STATE ELECTION COMMISSION
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM - 695 033, REPRESENTED BY ITS
SECRETARY, PRESENT ADDRESS JANA HITHAM, TC 27/6(2), VIKAS
BHAVAN P.O., THIRUVANANTHAPURAM - 695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC,

RESPONDENTS/WRIT PETITIONERS AND RESPONDENTS 1, 2, 4 & 5:

- 1 MUHAMMADALI P.I.
AGED 50 YEARS
S/O.AHAMMED PILLAI, PADANATTUPUTHENPURAYIL, THENGODU
P.O., EDACHIRA, PIN - 682 030.
- 2 XAVIER THAYANKERY
AGED 62 YEARS
S/O.KOCHUVAREETH, THAYANKERY HOUSE, THRIKKAKKARA P.O.,
THOPPIL, PIN - 682 030.
- 3 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 4 THE SECRETARY, LOCAL SELF GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

5 DISTRICT COLLECTOR/DISTRICT ELECTION OFFICER
OFFICE OF THE DISTRICT COLLECTOR, CIVIL STATION, KAKKANAD
P.O., ERNAKULAM DISTRICT, PIN - 682 030.

6 THRIKKAKARA MUNICIPALITY
OFFICE OF THE THRIKKAKKARA MUNICIPALITY, KAKKANAD,
ERNAKULAM - 682 030, REPRESENTED BY ITS SECRETARY.

R6 BY SHRI.G.G.MANOJ, SC, THRIKKAKARA MUNICIPALITY
R6 BY ADV. SRI.S.SARATH PRASAD
R1 & R2 BY SRI. AJITH PRAKASH
R6 BY SRI. MANUVILSAN
R3 TO R5 BY SRI. RANJITH THAMPAN, ADDL. AG
R3 TO R5 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 65:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1641 OF 2020

AGAINST THE JUDGMENT DATED 20.11.2020 IN WP(C) 25504/2020(K) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695 033, REPRESENTED BY ITS SECRETARY,
PRESENT ADDRESS, JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM-695 033

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENT/S:/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 SAJIKUMAR A.N
AGED 50 YEARS
S/O.NARAYANAN NAIR, ALOOR HOUSE, KOOMPAN PARA, NAIKUNNU,
VELLATHOOVAL, NAIKUNNU P.O, IDUKKI DISTRICT-685 561
- 2 THE DISTRICT COLLECTOR,
IDUKKI DISTRICT ELECTION OFFICER, OFFICE OF THE DISTRICT
COLLECTOR, COLLECTORATE, KUYILIMALA, PAINAV P.O, IDUKKI.
- 3 THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001
- 4 VELLATHOOVAL GRAMA PANCHAYATH,
VELLATHOOVAL, VELLATHOOVAL P.O, IDUKKI DISTRICT, PIN-685 562,
REPRESENTED BY ITS SECRETARY.
- 5 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF KERALA,

W.A. No. 1538/2020 & batch

: 66:

GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001

R1 BY SRI. G.G. MANOJ

R4 BY SRI. GEORGEKUTTY MATHEW

R2, R3 & R5 BY SRI. RANJITH THAMPAN, ADDL. AG

R2, R3 & R5 BY SRI. C.M NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020, ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 67:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1637 OF 2020

AGAINST THE JUDGMENT DATED 20.11.2020 IN WP(C) 25528/2020(M) OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, T C-27/6(2),
VIKAS BHAVAN P O, THIRUVANANTHPURAM-695 033.

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 FAROOQ.V
AGED 35 YEARS
FAROOQ V,
S/O MOHAMMED V P, VALAKKADAN, NENMINI, TACHINGANANDAM,
P O,
MALAPPURAM DISTRICT-679 325.
- 2 THE DISTRICT ELECTION OFFICER AND
DISTRICT COLLECTOR,
MALAPPURAM, CIVIL STATION, MALAPPURAM-676 505.
- 3 THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 4 THE SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695
001.

5 THE KEEZHATHOOR PANCHAYATH
REPRESENTED BY ITS SECRETARY,
MALAPPURAM-679 325.

R1 BY SRI. K. ABOOBACKER SIDHEEQUE
R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG
R2 TO R4 BY SRI. C.M. NAZAR, SPL. GOVERNEMNT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.A. No. 1538/2020 & batch

: 69:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WA.No.1603 OF 2020

JUDGMENT DATED 20.11.2020 IN W.P.(C) NO. 25626 of 2020 of HIGH COURT OF KERALA.

APPELLANT/1ST RESPONDENT:

KERALA STATE ELECTION COMMISSION
JANAHITHAM, TC-27/6(2), VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.

BY ADV. SHRI.MURALI PURUSHOTHAMAN, SC

RESPONDENTS/WRIT PETITIONER AND RESPONDENTS 2 TO 5:

- 1 YOUSAF ULUWAR
AGED 40 YEARS
S/O.MAMMUNHI HAJI, VALIYA VALAP HOUSE, ULUWAR, KUMBALA,
KASARAGODE DISTRICT, PIN-671 321.
- 2 THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 4 THE ELECTORAL OFFICER (THE DISTRICT COLLECTOR),
KASARAGODE, CIVIL STATION, KASARAGODE-673 020.
- 5 KUMBALA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KUMBALA, KASARAGODE
DISTRICT, PIN-671 321.

R1 BY SRI. M. MUHAMMED SHAFI

W.A. No. 1538/2020 & batch

: 70:

R2 TO R4 BY SRI. RANJITH THAMPAN, ADDL. AG

R2 TO R4 BY SRI. C.M. NAZAR, SPL. GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.12.2020,
ALONG WITH WA.1538/2020 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

Appeals filed by the State:

[W.A. Nos. 1538, 1539, 1596, 1630, 1614, 1618, 1612, 1617, 1624, 1629, 1626, 1631, 1633, 1623, 1605, 1632 & 1621 of 2020]

Appeals filed by the State Election Commission:

[W.A. Nos. 1534, 1625, 1635, 1628, 1642, 1607, 1620, 1610, 1602, 1622, 1611, 1616, 1634, 1609, 1606, 1619, 1627, 1640, 1636, 1638, 1644, 1639, 1615, 1643, 1613, 1641, 1637 & 1603 of 2020]

Dated this the 14th day of December, 2020.

JUDGMENT

SHAJI P. CHALY, J.

The writ appeals are filed by the State and its officials, and the Kerala State Election Commission as captioned above, challenging the judgments dated 16-11-2020, 19.11.2020 and 20.11.2020 rendered by the learned single Judge in various writ petitions, whereby the learned single Judge allowed the writ petitions and directed the Kerala State Election Commission to recast the reservation by rotation to the office of the President and Chairpersons of the local bodies in question, pursuant to the notifications issued by the State Election Commission dated 03.11.2020 in that regard, which is a process of the General Elections notified by the State Election Commission. Though one of the writ petitions was filed earlier to the notification issued by the State Election Commission and the other writ petitions were filed on 06.11.2020 i.e., the date of the announcement

of elections by the State Election Commission, the judgment was passed on 16.11.2020 after the notification of election issued by the State Government on 12.11.2020.

2. The writ petitions were filed either by the candidates or voters of different wards/constituencies in regard to various tiers of Panchayats and Municipalities. basically challenging the legality and correctness of the consecutive or successive reservation made by the Kerala State Election Commission to the Offices of the Chairpersons and the President of those local bodies in the General Election notified by the State Election Commission. What was under challenge in the writ petitions were notifications issued by the State Election Commission dated 03.11.2020 under the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994 notifying the reservations made to the offices of Chairpersons and the President of the local authorities against SC/ST and women as contemplated under the said statutes, and Parts IX and IXA of the Constitution of India dealing with Panchayats and Municipalities. The general election to the local authorities was announced by the Kerala State Election Commission on 06.11.2020 apparently by convening a Press Conference and the election was notified on 12.11.2020. The notifications dated 03.11.2020 were issued by the Kerala State Election Commission in

continuation of the notifications issued by the State Government dated 16.07.2020 in terms of the provisions of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994, by which the required number of offices were reserved for women, Scheduled Castes/Scheduled Tribes women and the Scheduled Castes and Scheduled Tribes from among the total seats set apart to the local bodies in the State. The State Election Commission, accordingly, distributed the offices allotted by the State Government by reserving the offices to the post of Chairpersons/President of the local bodies.

3. The basic grievance advanced by the writ petitioners were that the reservations made to the offices of Chairpersons and Presidents have not followed the policy of rotation and reservation, so far as the Panchayats are concerned in contemplation of Article 243-D of the Constitution of India r/w Section 153 of the Kerala Panchayat Raj Act, 1994 and Article 243-T of the Constitution of India read with Section 10 of the Kerala Municipality Act, 1994. Therefore, it was contended that the reservation made without following the rotation principle and successively reserving the same constituencies for the offices of President/Chairpersons to the local bodies, were arbitrary and illegal, liable to be interfered with by the Court under Article 226 of the Constitution of India.

4. On the other hand, the State Election Commission as well as the State Government opposed the writ petitions basically contending that the entire process in connection with the election has to be completed in a compressed time frame and any interference with the process will stall, interrupt, retard and protract the election process. It was also contended that it would create total confusion among the electorate, political parties and the candidates. According to the Election Commission, Article 243-D(4) of the Constitution of India and Section 153(3) and (4) of the Kerala Panchayat Raj Act, 1994 provides for the reservation of offices of President of Village Panchayats, Block Panchayats and District Panchayats for the Scheduled Castes and the Scheduled Tribes and women, and that as per Section 153(3)(a) of the Kerala Panchayat Raj Act, 1994, the offices of President of Village Panchayats, Block Panchayats and District Panchayats in the State shall be reserved by the Government for the Scheduled Castes and the Scheduled Tribes and the number of the offices of President reserved for Scheduled Castes and Scheduled Tribes in the Panchayats at each level in the State shall bear, as nearly as may be, the same proportion to the total number of offices of President at each level as the population of the Scheduled Castes and Scheduled Tribes in the State bears to the total population of the State. Further, the offices of the

President so reserved have to be allotted by rotation to every level of the Panchayat in the different districts by the State Election Commission by notification in the Gazette and the action of the State Election Commission was in accordance with the mandate of the statute. The Commission has raised the typical contentions in respect to the cases of Municipalities relying upon the respective statute .

5. Thus, for the 2020 General Election, the Government issued an order dated 16.07.2020 and have reserved the offices of the President of various tiers of the Panchayats and as per the said notification, 46 seats were reserved for the Scheduled Castes, 46 seats for Scheduled Caste women and 8 seats for Scheduled Tribe, 8 seats for Scheduled Tribe women, 417 seats for women and the remaining 416 seats for general category. Section 153(4)(a) further provides that the offices of the President reserved under sub-Section (3) shall be allotted to every level of the Panchayat in the different districts by the State Election Commission by notification in the Gazette. Therefore, as per notification dated 03.11.2020, the State Election Commission has allotted offices of the President reserved under sub-Section (3) of Section 153 to the Grama Panchayats in 14 districts in the State and in each districts, the reservations were made in accordance with the provisions of Section 153 to other tiers also. Likewise, notification

dated 03-11-2020 was issued in regard to the Municipalities showing the exact facts and figures thereto.

6. In each of the writ petitions, the Election Commission has filed their objections with specific reference to the challenge made and explaining as to how the rotation principle was applied by the State Election Commission. However, though factual circumstances were explained in order to meet the contentions raised in the writ petitions, the paramount contention advanced appeared to be that the electoral process has started consequent to the constitutional as well as the statutory mandates and therefore, interference to the election process would be bad in accordance with the bar created by Article 243-O of the Constitution of India and Section 87 of the Kerala Panchayat Raj Act, 1994, and as well Article 243-ZG of the Constitution and Section 163 of the Kerala Municipality Act, 1994 .

7. Typical contentions were raised in the writ petitions filed to Block Panchayats as well as the District Panchayats by the writ petitioners as well as the State Election Commission and the afore-discussed provisions would apply to the said Panchayats also. So far as the Municipalities are concerned, similar contentions were raised in respect to the rotation applied basically relying upon Article 243T r/w Section 10 of the Kerala Municipality Act, 1994.

8. According to the State Election Commission and the State Government, the rotation shall be applied to the posts, taking into account various intrinsic aspects prescribed under Sections 153 and 10 of the Kerala Panchayat Raj Act, 1994 and the Kerala Municipality Act, 1994 respectively, and therefore, the interference made by the learned single Judge would have a chain reaction and it would substantially interfere with the progress of the election and retard the same, and would even lead to the stoppage of election, since going by the directions issued by the learned single Judge, adjustments would have to be made in the reservations already made by the State Government as well as the State Election Commission. The Election Commission has also contended in the appeal that the learned single Judge having found that there is no violation of the statutory provisions in the matter of reserving the offices by rotation, issued directions to recast the reservation applied and accordingly, it would have a cascading effect to the entire reservation made in the case of SC/ST/women in order to comply with the directions contained in the judgment of the learned single Judge.

9. The paramount contention advanced by the writ petitioners, apart from the others discussed above, was that the reservation made by the State Election Commission to the Panchayats as well as the

Municipalities have exceeded 50%, and therefore, the action of the State Election Commission is violative of Articles 14 and 16 of the Constitution of India. In some of the writ petitions, constitutional validity of Section 10 of the Kerala Municipality Act, 1994 as well as Section 153 of the Kerala Panchayat Raj Act, 1994 were under challenge.

10. The learned single Judge, after considering the contentions raised by the parties and taking into account the constitutional as well as the statutory provisions in regard to the application of rotation principle has overruled the objection raised by the Election Commission that since the election was notified, any interference by the writ court would hamper the progress of election held that there is no legal bar for a writ court to interfere with such matters basically following the judgment of the Apex Court in ***Dravida Munnetra Kazhagam v. State of T.N.*** [(2020) 6 SCC 548] and ***Election Commission of India v. Ashok Kumar and others*** [(2000) 8 SCC 216]. Accordingly, in view of the principles laid down in the aforesaid judgments, it was held that the court can interfere with the matters of election, if such intervention has no effect of interruption or obstruction to the election proceedings. Apparently, the learned single Judge found that the situations raised by the writ petitioners is an

exceptional circumstance and therefore, the court was justified in interfering with the reservation made by the State Election Commission as specified above.

11. According to the learned single Judge, the election of Chairpersons to the Municipalities/Corporations and the President of Panchayats will take place only after the declaration of results and it will, in no way, affect the ongoing election proceedings, but on the other hand, if any direction is given now, it would only further the objectives of the constitutional directives of rotation. Even though the Election Commission relied upon the judgment of the Karnataka High Court in ***Latha and others v. State of Karnataka and others*** [2017 KHC 5236] rendered in regard to the reservation of posts of President or Vice President of various local bodies, the learned single Judge distinguished the same holding that the challenge made therein is against the basis of reservation of the Scheduled Tribe category and the Karnataka High Court is right in declining the jurisdiction by invoking Article 243-O of the Constitution of India.

12. Even though the State Election Commission had also contended that if any change is effected, that would affect the seating arrangements made by different parties and it cannot be done without notice to all affected persons, it was held that none has any

fundamental right to a post, nor has any statutory right to the offices of the Presidents or Chairpersons before the election and that mere expectation of a contestant in an election will not confer him a legal right to claim for any office. It was also found that the right to the office is created by the Constitution and statute and therefore, it can be claimed only in accordance with law as laid down in the Constitution and the Statute. Therefore, it was held that the contestants in the election, who are aspirants for the office, cannot be characterised as having an element of legal interest to classify them as aggrieved persons.

13. After holding so, the learned single Judge interfered with the decision of the Election Commission on the ground that, successive rotation to the offices of President and Chairpersons of the local bodies is requisite to ensure that the elections to the said Office is made in accordance with the constitutional mandate and the directives. Accordingly, writ petitions were allowed, including those filed by the persons other than the candidates, thereby directed the State Election Commission to recast the reservation of the office of the President and Chairpersons of local bodies in the State pursuant to the notifications issued by the State Election Commission dated 03.11.2020 strictly complying with the directives contained under the third proviso to

Article 243-D(4) and following the principles of rotation. It was also directed that any exercise made in accordance with the directions issued shall not result in the reduction of reservation of offices as prescribed in the Constitution.

14. On a deeper analysis of the judgment of the learned single Judge, what we could gather is that the provisions contained under Article 243-D(4) dealing with the reservation policy to the Panchayats were read down and made applicable to the Municipality also, irrespective of the provisions of the respective statutes, though the rotation to the offices of Chairperson to the Municipality was dealt with under Article 243-T of the Constitution of India r/w Section 10 of the Kerala Municipality Act, 1994. Thus, we are called upon to evaluate the correctness and legality of the common judgment of the learned single Judge in these appeals by the State as well as the State Election Commission.

15. We have heard learned Additional Advocate General, Sri. Ranjith Thampan for the State, Sri. Murali Purushothaman for the State Election Commission, the appellants, and Sri. K.M. Firoz, Sri. Ajith Prakash, Sri. Sajeev Kumar K. Gopal, Sri S. M. Prasanth, Sri. Muhammed Shafi and Sri. Mathew J. Nedumpara for the writ petitioners/ respondents, and perused the pleadings and materials on

record.

16. Learned Additional Advocate General basically contended that the judgment of the learned single Judge has interfered with the progress of the election, since the rotation of reservation to the offices were made by the State Election Commission as per notifications dated 03-11-2020 consequent to the notification issued by the State Government dated 16-07-2020 reserving the seats to the post of Chairpersons/President to the local bodies, which has an intrinsic effect in the matter of election. Therefore, it can only be re-done by issuing mandatory notices in accordance with law, and the reservation by rotation of offices can be made only by making re-adjustment of the entire reservations, in order to comply with the directions of the learned single Judge. It was also submitted by the learned Additional Advocate General that the learned single Judge was not correct in holding that the election to the President/Chairpersons is not a process of election and that the role of the State Election Commission was complete on the announcement of the results of the candidates contested for election to the local bodies, and further that the material aspects could not be placed before the learned Single Judge, since time sought for filing counter was not granted.

17. It was also contended that the principles of law laid down by

the judgments of the Apex Court in **A.K.M Hassan Uzzaman v. Union of India** [(1982) 2 SCC 218] and **K. Krishna Murthy v. Union of India** [(2010 (7) SCC 202] as well as the Karnataka High Court in **Latha** (supra) were totally overlooked by the learned single Judge, wherein it was held that the High Courts must observe a self imposed limitation on their power to act under Article 226 by refusing to pass orders or give directions, which will inevitably result in indefinite postponement of the elections to legislative bodies, which are the very essence of the democratic foundation and functioning of the Constitution.

18. Learned Additional Advocate General has also relied upon the judgment of the Punjab and Haryana High Courts in **Sat Pal Goyal v. UT of Chandigarh and others** [2017 KHC 2262], wherein it was held that the issue relating to the reservation of the seat and the conduct of election being in contravention of the reservation as provided under Article 243-T of the Constitution of India r/w Section 6(2) of the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 applying in the said State would be covered under Section 20(1)(d)(iv) of the Act, 1994 and for that purpose, the remedy of Election Petition provided under the statute would be available to the writ petitioners. It was also contended that the said finding was rendered taking into

account the bar created under Article 243-ZG(b) of the Constitution of India, which postulates that notwithstanding anything contained in the Constitution, the remedy to challenge the election to any Municipality is by way of an election petition only.

19. Therefore, according to the learned Additional Advocate General, if the directions issued by the learned single Judge to recast the list is to be implemented, then there would be a clear interference with the process of election and therefore, it would inevitably affect the progress of the election, which is disapproved by several Constitution Benches of the Apex Court in its various judgments.

20. Learned counsel for the State Election Commission has also advanced arguments relying upon the proposition of law laid down by the Apex Court in ***Kishansing Tomar v. Municipal Corporation of the City of Ahmedabad and others*** [(2006) 8 SCC 352 = 2006 KHC 1539], ***Harnek Singh v. Charanjit Singh and others*** [(2005) 8 SCC 383 = 2005 KHC 1894], ***Jaspal Singh Arora v. State of M.P*** [1998 (9) SCC 594 = 1998 KHC 3913] and ***Kurapati Maria Das v. Dr. Ambedkar Seva Samajam*** [(2009) 7) SCC 387= 2009 KHC 4729] in order to harness the bar created under Articles 243-O and 243-ZG in the matter of interference with the electoral matters and also the realm of interference of High Courts under Article 226 of the

Constitution of India.

21. The learned Standing Counsel has also submitted that if the directions issued by the learned single Judge are allowed to stand, it would cause serious prejudice to the progress of the election, and going by the provisions of law it would retard the election itself. Therefore, the remedy available to the writ petitioners, if they are actually and really aggrieved, was to resort to a properly constituted petition after the elections are over.

22. Sri. K. M. Firoz has led the arguments on behalf of the writ petitioners and contended that Ext.P1 notification of the State Election Commission to reserve seats to the post of President/Chairpersons is contrary to the rotation principles in the third proviso to Article 243-D(4) of the Constitution of India and Section 153 of the Kerala Panchayat Raj Act, 1994. It was also contended that the State Election Commission was duty bound to follow the rules of reservations provided not only as per the provisions of the Constitution, but also as per the provisions of the Kerala Municipality Act, 1994, the Kerala Panchayat Raj Act, 1994 and the Rules constituted for election to the President as well as the Chairpersons of the Panchayats/Municipalities/Corporations. It was also contended that the rotation provided in the third proviso to Article 243-D(4) will prevail

over the reservation and therefore, the reservation of seats prescribed as per the provisions of the respective Acts of 1994 are to be reduced based on the third proviso to Article 243-D(4) of the Constitution of India for enabling rotation. According to the learned counsel, the rotation principles provided under the Constitution will prevail over the 50% reservation provided under the respective Acts. Otherwise, it will be against the principles of equality and rotation.

23. On facts also, it was contended that in several of the local bodies, without following the rotation in contemplation of the provisions of Constitution of India and the Statutes, continuous reservation is provided to the Scheduled Castes/Scheduled Tribes/women and therefore, the mandate contained under Article 243-D(4), Section 10 of the Kerala Municipality Act, 1994 and Section 153 of the Panchayat Raj Act, 1994 and the Rules thereto are violated, which is clearly an arbitrary action which were liable to be interfered with by the writ court under Article 226 of the Constitution of India. It was also contended that since elections to the Chairpersons/President are to take place only after the election process is over, the bar created under Articles 243-O and 243-ZG will not come into play.

24. That apart, it was contended that the directions issued by the learned single Judge would never retard or hamper the process or

progress of the elections, since the elections get over by declaration of the results of the candidates in the General Election, and the process of election to the offices of Chairperson/President is not an election process to be undertaken by the State Election Commission, and therefore, the prohibition contained under the aforesaid provisions of the Constitution can never be applied so as to stall the interference of the writ court under Article 226 of the Constitution of India in any arbitrary and unconstitutional act of the Election Commission.

25. That apart, it was contended that since the reservation made by the State Election Commission is exceeding 50%, it would violate the mandate contained under Articles 14 and 16 of the Constitution of India and therefore, the exercise made by the State Election Commission is an arbitrary and illegal exercise, which was liable to be interfered with by the writ court under Article 226 of the Constitution of India. In effect, it was submitted that no interference is required, since there is no error of jurisdiction or other legal infirmities in exercising the power conferred on the learned single Judge under Article 226 of the Constitution of India.

26. Adv. Sri. K.M. Firoz has also relied upon the judgment of the Apex Court in ***K. Krishna Murthy*** (supra) and ***L. Chandra Kumar v. Union of India*** [(1997) 3 SCC 261] in regard to the power exercised

by the High Court under Article 226 of the Constitution of India *vis-a-vis* the provisions of Articles 243, 223-A and 223-B of the Constitution of India, basically for the purpose of contending that the *non obstante* clause contained under Articles 243-O and 243-ZG would not stand in the way of the High Courts exercising the power of the judicial review over legislative action vested in the High Courts under Article 226 of the Constitution of India, and also to contend that it is an integral and essential feature of the Constitution, constituting part of its basic structure and therefore, the power of the High Court to test the constitutional validity of legislations can never be ousted or excluded.

27. Other learned counsel have also addressed their arguments basically relying upon the provisions of the Constitution of India as well as the statutes and also adopted the arguments of Adv. Sri. K.M.Firoz.

28. Sri. Mathews J. Nedumpra basically made his submissions relying upon Articles 14 and 16 of the Constitution of India and according to him, the entire action of the State Election Commission in the matter of applying the principles of rotation, and the reservation to the office of the Chairpersons/President exceeding the reservation of 50%, being violative of the constitutional mandate, the writ court was justified in interfering with the election notification and issuing

respective directions also reading down Article 243-D(4) of the Constitution of India.

29. Similarly, even though Sri. Mathew J. Nedumpra has pressed into service the Constitution Bench judgment of the Apex Court in ***Chebrolu Leela Prasad Rao v. State of A.P*** [2020 (2) KLT Online 1146 (SCC)], we are not inclined to consider the same, since the consideration thereunder was in respect of reservation made to the Andhra Pradesh State Service under Article 16 *vis-a-vis* Article 309 of the Constitution of India and also since the question with respect to the excessive reservation granted is proposed to be left open in view of the findings above.

30. Learned counsel has also contended that whatever be the situation explained by the State Election Commission as well as the State Government in regard to the notification issued by the State Election Commission, since the action transgresses into the fundamental rights guaranteed to the candidates/citizens, the writ court was justified in interfering in the reservation policy, which would have no bearing to the progress of the election.

31. Learned counsel has further submitted that since Section 147 of the Kerala Panchayat Raj Act, 1994 prohibits interference of

civil courts in the matter of election and any action taken by the Returning Officer as well as other officers, which provision is corresponding to Section 203 of the Kerala Municipality Act, 1994 , there is no remedy available to an aggrieved person.

32. Learned counsel has also distinguished the principles of law laid down by the Apex Court in ***N.P. Ponnuswami v. The Returning Officer, Namakkal Constituency, Namakkal, Salem District*** [AIR 1952 SC 64 =1992 KHC 302] and other judgments of the Constitutional Benches stating that therein the adjudication was done by the Apex Court, in regard to questions raised under Article 329(b) of the Constitution of India as it originally stood; however, consequent to the amendment of the Constitution, and introduction of Article 243 and the other consequential provisions, the principles of law laid down in the said judgment as well as in ***Mohinder Singh Gill and another v. The Chief Election Commissioner, New Delhi and others*** [AIR 1978 SC 851] would not apply.

33. We have evaluated the rival submissions made across the Bar and perused the pleadings and materials on record. The basic contentions advanced by the State as well as the State Election Commission is in regard to the bar created under Article 243-O of the Constitution of India r/w Section 87 of the Kerala Panchayat Raj Act,

1994 and Article 243-ZG r/w Section 163 of the Kerala Municipality Act, 1994.

34. Our first endeavour is to ascertain as to whether the directions given by the learned single Judge in the impugned judgment would interfere with the progress of the election. Part IX of the Constitution was introduced as per the 73rd Amendment Act, 1992 dealing with 'Panchayats' and Part IXA was introduced as per 74th Amendment Act, 1992 dealing with 'Municipalities'.

35. Various facets in respect of the administration of the Panchayats as well as the Municipalities are dealt with under the aforementioned Parts of the Constitution. What could be relevant in the matter of Panchayats *vis-a-vis* the challenge made in the writ petitions is contained under Article 243-D dealing with 'reservation of seats', which reads thus:

“243D. Reservation of seats

(1) Seats shall be reserved for--

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as

nearly as may be, the same proportion to the, total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat

(2) Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging, to the Scheduled Castes or, as the case may be, the Scheduled Tribes

(3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level

(5) The reservation of seats under clauses (1) and (2) and the

reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.”

36. Relying upon the third proviso to Article 243-D(4) of the Constitution, it was contended by the writ petitioners that the number of offices reserved under clause (4) shall be allotted by rotation to different Panchayats at each level without fail and having not done so, State Election Commission violated the mandate of the Constitution and therefore the bar of interference would not detain a writ court to step in and remedy the injustice . However, Article 243-K dealing with ‘elections to the Panchayats’ would speaks in volume the power wielded by the Commission in electoral matters , which reads thus:

“243K. Elections to the Panchayats

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1)

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats”

37. On a reading of clause (1) thereto, it is amply clear that the elections to the Panchayats are conducted absolutely under the superintendence, direction and control, of a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor, and that too right from the preparation of electoral rolls for, and the conduct of all elections to the Panchayats, which, in our view, would take in the election conducted to the office of the Presidents also. The relevance and importance of Article 243K would come to limelight fully only when it is read together with Article 243-O dealing with bar to interference by courts in electoral matters, which reads thus:

“243O. **Bar to interference by courts in electoral matters**

Notwithstanding anything in this Constitution--

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any Law made by the legislature of a State.”

38. The intricacies involved in the process of reservation of the seats to the elections by rotation and the process of rotation of the offices of the Presidents to the Panchayats, and the eminent power enjoyed by the State Election Commission in the election to the office of Presidents would be understood better, so as to arrive at a logical conclusion in regard to the bar to electoral process, by making a reference to Section 153 of the Kerala Panchayat Raj Act, it reads thus:

“153. Election of President and Vice-President. - (1) In every Panchayat there shall be a President and a Vice-President elected from among the elected members of that Panchayat in accordance with the provisions of this Act [and the president shall be full time functionary of the Panchayat]

(2) On the constitution of a panchayat or on its reconstitution under any provision of this Act, there shall be called a meeting [by the Returning Officer referred to in sub-section (6)] for the election of its President and Vice-President from among the elected members of that Panchayat.

(3)(a) The offices of President of Village Panchayats, Block panchayats and district panchayats in the State shall be reserved by the Government

for the Scheduled Castes and the Scheduled Tribes and the number of the offices of President reserved for Scheduled Castes and Scheduled Tribes in the panchayats at each level in the State shall bear, as nearly as may be, the same proportion to the total number of offices of President at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State;

(b)(i) Fifty per cent (in the case of a fraction, it shall be fixed to the next higher integer) each of the total number of offices of President of Village Panchayats, Block Panchayats and District Panchayats in the State reserved under clause (a); and

(ii) Fifty per cent (in the case of a fraction, it shall be fixed to the next higher integer) each of the total number of President of Village Panchayats, Block Panchayats and District Panchayats in the State, not so reserved, shall be reserved by the Government, for women.

[(4) (a) The offices of the President reserved under sub-section (3) shall be allotted to

every level of Panchayat in the different districts by the State Election Commission by notification in the Gazette.

(b) In the case of Block Panchayats and Village Panchayats the reserved seats for the Scheduled Castes and Scheduled Tribes shall be allotted proportionate to their population in the respective districts.

(c) In the case of Village Panchayat, the reserved seats in each district shall be distributed among the Village Panchayats within the area of the various Block Panchayats in the district.

(d) Before issuing notification for General election, the [State Election Commission shall allot by rotation the reserved seats under clause (a), (b) and (c) and the rotation shall start from the Panchayat in which the Scheduled Castes or the Scheduled Tribes or women have the largest percentage of population and then passed on to the next Panchayat having their largest percentage of population and so on:

(e) in the case of an election to the office of the President reserved for Scheduled Castes or Scheduled Tribes, a member, if he is not a person elected from a seat reserved for Scheduled Castes or Scheduled Tribes, as the case may be, shall not be eligible for election to the office of the President, unless he produces before the Returning Officer a community certificate issued by a competent officer stating that he is a member of the Scheduled Caste or Scheduled Tribe;

(f) A member elected to the office of the President reserved for Scheduled Castes or Scheduled Tribes who has been proved under the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (11 of 1996) or under any other law for the time being in force, that he does not belong to Scheduled Caste or Scheduled Tribe, as the case may be, and declared as such he shall not be entitled to continue in office of the President from the date of such declaration and his membership shall stand forfeited and the State Election Commission shall declare the offices of the President and the member to be vacant:]

Provided that where the Panchayat the office of President of which is to be reserved for women and the Scheduled Castes and Scheduled Tribes is one and the same, in so reserving the Office of President preference shall be given to the Scheduled Castes or Scheduled Tribes and in lieu, the office of the President in the Panchayat next having their largest percentage population of women shall be reserved for women:

Provided further that in Panchayats the office of President of which is reserved for the Scheduled Caste or Scheduled Tribes, those in which the women have the more percentage of population of women shall be reserved for women belonging to them.

Provided also that the office of President of any panchayat shall be reserved for the Scheduled Caste or Scheduled Tribes or women belonging to them only if at least one constituency of that Panchayat is reserved for that category.]

(4a) In a panchayat where the office of the President has not been reserved

for women, the office of the Vice-President shall be reserved for women and the offices so reserved for Vice President shall be published by notification in the Gazette before the date of publication of notification for each General Election by the State Election Commission.]

(5) The meeting for the election of President and Vice President shall be held on such day within three weeks from the date on which the names of members elected are published by the State Election Commission as may be fixed by the State Election Commission.

(6) For the election of the President and the Vice-President of Panchayats, the State Election Commission shall designate or nominate an officer of the Government or local authority as the Returning officer.

(7) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for the effectively conducting the election in the manner prescribed.

[(7A) The election shall be by open ballot and the member voting shall, record in writing his name and signature on the reverse side of the ballot paper.]

(8) A member who has not entered upon his office after making and subscribing an affirmation or oath under section 152 shall not have the right to vote for electing President or Vice-President.

(9) If at an election held under sub-section (2), no President or Vice-President is elected a fresh election shall be held for electing the President or Vice-President, as the case may be.

(10) The result of the election of the President and the Vice-President of Panchayats shall be published by the State Election Commission in such manner as may be prescribed.

(11) A President shall be deemed to have vacated his office on the expiry of his term of office as member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or on

his otherwise ceasing to be a member of that Panchayat.

(12) A Vice-President shall be deemed to have vacated his office –

(a) on the expiry of his term of office as member or on his being sentenced by a criminal court for imprisonment for any offence involving moral delinquency or on his otherwise ceasing to be a member, or

(b) on his election as President.

(13) Before entering upon the offices, an oath or affirmation in the form set out in the Second Schedule shall be made and subscribed by the President of a panchayat at any level before the officer authorised by the Government in this behalf and by the Vice-President before the President.

(13a) The State Election Commission may declare the office of the President or vice-president, as the case may be, as vacated on his own motion where the person has not entered upon his office without sufficient cause by taking oath or affirmation within a period of fifteen days from the date he was declared as elected as president or Vice President of a Panchayat of any level.

(14) Where a dispute arises as to the validity of an election of President or Vice-President of a Panchayat, any member of that Panchayat may file a petition.

(a) in the case of Village Panchayat before the Munsiff Court having jurisdiction over the area in which its headquarters is situated.

(b) in the case of Block Panchayat or District Panchayat, before the District Court having jurisdiction over the area in which its headquarters is situated for decision and such decision shall be final.

(14) a) the validity of the election of the President or the Vice-President of a Panchayat shall not be called in question for the reason of any vacancy in the place of the members or who shall elect President or Vice-President for the reason of the absence of any member.]

(15) Every petition [referred to in sub-section (14)] shall be disposed of in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit.

(16) Any casual vacancy arising in the office of the President or Vice-President of a Panchayat shall be reported to the State Election Commission in such manner as may be prescribed and the State Election Commission shall take steps for the conduct of election of President or Vice-President, as the case may be, in accordance with the provisions of this Act.

(17) Save as otherwise provided in this Act the term of office of the President and Vice-President of a Panchayat at any level shall be co-extensive with the duration of that Panchayat.”

39. Similarly, Article 243-T dealing with ‘reservation of seats to Municipalities’, and section 10 of the Kerala Municipality Act, 1994 in regard to the reservations and other actions, read thus:

243T. Reservation of seats

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of

the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.”

“10. **Mayor or Chairman of a Municipality.**— (1) There shall be a Chairman in every Town Panchayat and Municipal Council and a Mayor in every Municipal Corporation who shall be elected by the elected Councillors of the respective Municipalities from among themselves, in such manner as may be prescribed. [The Chairperson shall be a full-time functionary of the Municipality.]

(2) Such number of the offices of Chairmen of Town Panchayats, Chairmen of Municipal Councils and Mayor of Municipal Corporations shall be reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes by the Government and the offices of the Chairmen of the Town Panchayats, Chairmen of the Municipal Councils and Mayor of the Municipal Corporations so reserved may be allotted by rotation to different Town Panchayats, Municipal Councils or, as the case may be, the Municipal Corporations as the [State Election Commission] may, by notification in the Gazette, determine for each general election.

(3) The total number of offices of Chairmen in the Town Panchayats, Chairmen in the Municipal Councils or Mayor of the

Municipal Corporations, as the case may be, to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section(2) shall bear as nearly as may be, the same proportion to the total number of offices of Chairmen in the Town Panchayats, Chairmen of the Municipal Councils or Mayor of the Municipal Corporations, as the case may be, as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes, in the Municipalities in the State bear to the total population of the Municipalities.

(4) Fifty per cent (in the case of fraction, it shall be fixed to the next higher integer) of the offices of the Chairpersons in the Town Panchayats, Municipal Councils and Municipal Corporations reserved under sub-Section (2), shall be set apart by Government for women belonging to Scheduled Castes or as the case may be, Scheduled Tribes and for each general election the seats so reserved shall be allotted by the State Election Commission by notifications in the Gazette, to different Town Panchayats or Municipal Councils or Municipal Corporations, as the case may be, by rotation.

Provided that where the number of offices of Chairpersons reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes under sub-section (2) is one, that seat need not be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

(5) Fifty per cent (in the case of fraction, it shall be fixed to the next higher integer) of the total number of offices of the Chairpersons in the Town Panchayats, Municipal Councils and Municipal Corporations, shall be reserved for women by the Government and the seats so reserved shall be allotted by the State Election Commission including those reserved under sub-Section (4), by rotation to different Town Panchayats, Municipal Councils and Municipal Corporations, as the case may be.

(6) Procedure of rotation under sub-section(2) and sub-section(5) shall begin from the Municipality having the highest percentage of

population of the Scheduled Castes or Scheduled Tribes or women as the case may be, and thereafter to the Municipality having the next higher percentage of population and shall be so continued in like manner:

Provided that if the Municipality, the office of Chairperson of which is eligible for reservation for women is the same as the Municipality the office of Chairperson of which is to be reserved for the Scheduled Castes or Scheduled Tribes, then, in reserving the office of Chairperson priority shall be given to persons belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes and in lieu, the office of the Chairperson of the Municipality, having the next higher percentage of women population in turn shall be reserved for women.

[Provided further that in Municipalities where the office of the Chairperson is to be reserved for women belonging to Scheduled Castes or Scheduled Tribes and in Municipalities the highest percentage of population is women, the office of the Chairperson shall be reserved for women belonging to Scheduled Castes or Scheduled Tribes by rotation,]

[(6a) In the case of an election to the office of the Chairperson reserved for Scheduled Castes or Scheduled Tribes, a Councillor, if he is not a person elected from a seat reserved for Scheduled Castes or Scheduled Tribes, as the case may be, shall not be eligible for election to the office of the Chairperson, unless he produces before the Returning Officer a Community Certificate issued by a competent officer stating that he is a member of a Scheduled Caste or Scheduled Tribe;

[(6b) A councillor elected to the office of the Chairperson reserved for Scheduled Castes or Scheduled Tribes who has been proved under the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 (11 of 1996) or under any other law for the time being in force that he does not belong to Scheduled Caste or Scheduled Tribe, as the case may be, and declared as such he shall not be entitled to continue in the office of the Chairperson from the date of such declaration and his office as Councillor shall stand

forfeited and the State Election Commission shall declare the offices, of the Chairperson the Councillor to be vacant.

(7) No person shall be eligible for being elected as Chairperson unless-

(i) he is elected as Councillor;

(ii) in the case of offices of Chairpersons reserved for the Scheduled Castes or the Scheduled Tribes, he himself is a member of any of the Scheduled Castes or the Scheduled Tribes;

(iii) in the case of office of Chairperson reserved for women, such person is a woman.

[(8) The term of office of a Chairperson shall be co-terminus with that of his term as a Councillor unless he resigns or becomes disqualified to hold the office of a Councillor.]”

40. As per the third proviso to Article 243-D(4), it is mandatory that the offices are reserved by rotation to different Panchayats by employing the word 'shall'; Whereas as per clause (4) of Article 243-T, the offices of Chairpersons in the Municipalities shall be reserved for Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may, by law, provide. Which thus means, when the third proviso to Article 243-D(4) provides that the number of offices reserved under clause (4) shall be allotted by rotation to different Panchayats at each level, such an imperative prescription is not contained under Article 243-T of the Constitution of India.

41. Now, we come to the other provisions of Part IX-A dealing

with 'the Municipalities', so as to resolve the fundamental question of maintainability of the writ petitions. Article 243-ZA deals with elections to the Municipalities, which reads thus:

“243-ZA . Elections to the Municipalities

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in Article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.”

42. Therefore, on an analysis of Article 243-ZA, it is categoric and clear that it is a provision typical to Article 243-K; but, at the same time, Article 243-ZA(1) adopts the provision with regard vesting of elections of the Municipalities in the State Election Commission constituted as per Article 243-K. This we say because, the provisions of Parts IX and IX-A of the Constitution of India are closely intertwined. Article 243-ZG deals with bar to interference by courts in electoral matters so far as concerning the Municipalities and it reads thus:

“243ZG. **Bar to interference by courts in electoral matters**

Notwithstanding anything in this Constitution, —

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243ZF shall not be called in question in any court;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

43. Similar are the provisions contained under Article 243-O dealing with Panchayats. The heading of the said provisions are very significant because they, in unequivocal terms, declare bar to interference by courts in electoral matters. What is significant in the heading is that it is barring interference of courts not only in the election process, but in all electoral matters. Therefore, the heading of those two provisions have got a vital role to play, while considering the maintainability of the writ petitions. Moreover, the provisions of Articles 243-O and 243-ZG open with *non obstante* clauses 'notwithstanding anything in this Constitution', which would clearly signify the intention of the Parliament to insulate the electoral process from being tampered with in any manner.

44. The said provisions, when read together with Article 329 of the Constitution of India, constituting bar to interference by courts in electoral matters to the election to the Parliament and the State legislatures, and opens with the non obstante clause similar to the aforesaid provisions would be a code by itself in electoral matters. Yet

another significant aspect that persuades our mind to think so is that in the relevant provisions of Parts IX and IXA of the Constitution, dealing with election to the local bodies, the Parliament has employed the word 'elections' and not 'election'. Which thus means, the State Election Commission is vested with powers under Article 243-K to conduct all the elections of the local bodies up to the election of the Chairpersons/President of the local bodies. This would be more clear when we analyse the aforementioned provisions of the Constitution of India and the provisions of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994.

45. However, we propose to clarify one aspect that is contained under Article 243-ZG, failing which there could be some confusion with respect to the provisions discussed by us. Article 243-ZG(a) co-relates the aspects specified thereunder to Article 243-ZF, which, in our view, could only be a printing mistake, firstly because Article 243-ZF deals with continuance of existing laws and Municipalities, which has no manner of bearing with Article 243-ZG. That apart, Article 243-ZG is a typical provision to Article 243-O, which as we have said earlier, refers to Article 243-K dealing with elections to Panchayats. The similar provision to Article 243-K is Article 243-ZA dealing with elections to Municipalities.

46. That apart, in order to identify the situation, we have referred to the 74th Amendment Act, 1992, from where it is clear that what is intended under Article 243-ZG is Article 243-ZA. Reading together the provisions of Articles 243-ZG and 243-ZA, we have no doubt in our mind that the superintendence, direction and control right from the preparation of electoral roll for and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in Article 243-K. In our view, it is eminently clear that it is not only the election to the Panchayats and the other local bodies that are controlled by the State Election Commission, but also all elections to such local bodies which also take in elections to the offices of Chairperson/Presidents. In order to understand the situation better, reference to some of the provisions of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994 would be worthwhile.

47. We have extracted Section 10 of the Kerala Municipality Act, 1994, which deals with the Mayor or Chairman of a Municipality and the rotation principle to be applied in the matter of Municipality by virtue of the powers conferred under Article 243-T of Constitution of India. Section 12 of Kerala Municipality Act, 1994 deals with election of

the Chairperson and Deputy Chairperson to the Municipalities, which reads thus:

“12.Election of the Chairperson and Deputy Chairperson. - (1) The meeting to elect the Chairperson or Deputy Chairperson shall be convened within three weeks from the date of publication of the names of the elected Councillors, by the State Election Commission, on such date as may be fixed by the State Election Commission.

(2) The State Election Commission shall designate or nominate an officer of the Government as the returning officer for the election of the Chairperson or Deputy Chairperson.

(3) It shall be the duty of the returning officer to do all such acts and things as are necessary for the efficient conduct of the election, in the manner prescribed.

[(3A) Election shall be by means of open ballot and the Councillor who casts his vote shall write his name and affix his signature on the reverse side of the ballot paper.]

(4) The State Election Commission shall publish the result of the election of the Chairperson and Deputy Chairperson, in such manner as may be prescribed.

(5) Where the Chairperson or the Deputy Chairperson could not be elected at an election conducted in accordance with this Act, a fresh election [shall be conducted within forty- five days] for the election of the Chairperson or Deputy Chairperson, as the case may be.

(6) Where any dispute arises as to the validity of the election of the Chairperson or Deputy Chairperson of a Municipality any Councillor of that Municipality may file a petition before the District Court having jurisdiction over the area of the headquarters of that Municipality, for decision and such decision shall be final.

[(6A) The validity of election of the Chairperson or Deputy Chairperson shall not be called in question on the ground of any vacancy of the office of the Councillors or any of the Councillor was absent in the election meeting.]

(7) Every petition referred to in sub-section (6) shall be disposed of in accordance with the procedure prescribed to be followed while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(8) Any casual vacancy in the office of the Chairperson or Deputy Chairperson of a Municipality shall be reported by the Secretary to the State Election Commission, in such manner as may be prescribed, and the State Election Commission shall, in accordance with the provisions of this Act, take steps for the election of a Chairperson or Deputy Chairperson, as the case may be.

[(8A) The State Election Commission may declare the office of the Chairperson or Deputy Chairperson, as vacated on his own motion where the person has not, entered upon his office, without sufficient cause, by taking oath or affirmation within a period of fifteen days from the date he was declared elected as such as Chairperson or Deputy Chairperson.]”

48. The provisions of Section 12 of the Kerala Municipalities Act, 1994 make it clear that the meeting to elect the Chairperson shall be convened within three weeks from the date of publication of the elected Councillors, by the State Election Commission, on such date as may be fixed by the State Election Commission. The rest of the provisions show that the entire power to conduct the election of the Chairperson is conferred upon the State Election Commission. It also

empowers the State Election Commission to publish the result of the election of the Chairperson and tackle any situations where the Chairperson or the Deputy Chairperson would not be elected at an election conducted in accordance with the Act. That apart, by virtue of sub-Section (8A) of Section 12, the State Election Commission may declare the office of the Chairperson or Deputy Chairperson; as vacated on his own motion where the person has not entered upon his office, without sufficient cause, on taking oath or affirmation within a period of 15 days from the date he was declared elected as Chairperson.

49. Now reading together the provisions of the Articles 243-ZG and 243-ZA of the Constitution of India and Section 12 of the Kerala Municipality Act, 1994, it is explicit and clear that the power vested with the State Election Commission in the matter of conduct of election runs from the preparation of electoral rolls till the chairperson is declared elected.

50. Now let us analyse the relevant provisions of Kerala Panchayat Raj Act, 1994. Chapter IV deals with delimitation of constituencies. Section 10(1) thereto empowers the Government by issuing notification in the Gazette to constitute a Delimitation Commission consisting of the State Election Commission as the

Chairman and four officers not below the rank of a Secretary to Government as members. The powers conferred on the Delimitation Commission *inter alia* includes the power to divide every Panchayats into as many constituencies as there are seats and fix the boundaries of such constituencies. Sub-Section (1B) thereto specifies that the State Election Commission or the officer authorised by it in that behalf shall, on determination by the Government of the number of seats to be reserved, earmark constituency or constituencies to be reserved for Scheduled Castes, Scheduled Tribes or women. Sub-Section (2A) empowers the officer authorised by the State Election Commission in that behalf to determine as to which constituency, the constituencies reserved for Scheduled Castes, Scheduled Tribes or women shall be allotted according to rotation, by draw of lots at the time, date and place fixed by the Commission in that behalf by notification.

51. Consequent to the same, sub-Section (2B) specifies the State Election Commission or the officer authorised by it shall issue an order determining the constituency reserved for the Scheduled Caste, Scheduled Tribes or women. Sub-section (3) emphatically states that an order made by the State Election Commission or the officer authorised by it or the Delimitation Commission shall not be called in question in any Court of law.

52. Therefore, reading together the provisions of Section 10 of the Kerala Municipality Act, 1994 extracted above and the relevant provisions of Sections 10 and 153 of the Kerala Panchayat Raj Act, 1994 make it strongly evident and clear that the said provisions are included in the respective statutes consequent to the imperative stipulation of the provisions of Parts IX and IXA of the Constitution of India. So understood, what we intend to convey is that the provisions of the Constitution and the statutes discussed above would have to be read together in order to arrive at a conclusion as to the maintainability of the writ petitions in electoral matters.

53. Which thus means, when the constitutional as well as the statutory provisions are read together, the electoral matters shall not be called in question otherwise than in accordance with the provisions contained under the statutes as well as the Constitution of India. So also, when we analyse the relevant provisions of the Parts IX and IX-A of the Constitution, it is imperative that the said provisions will have to be construed notwithstanding the other provisions of the Constitution of India, which takes in Article 226 also except under very exceptional circumstances, in an electoral matter, which will not interfere in any manner with the progress of election.

54. However, learned counsel for the writ petitioners submitted

that on a reading of Section 178 of Kerala Municipality Act, 1994 and Section 102 of the Kerala Panchayat Raj Act, 1994, it is clear that only the election to the local bodies can be questioned in an election petition; and that the rotation, of the reservation done by the State Election Commission, and to the posts of the Chairpersons/President cannot be questioned in that process. We find some force in the said argument when read together with the provisions of Articles 243-O(b) and 243-ZG(b).

55. So also, it is true that the respective statutes only have made provisions for challenging the validity of an election of Chairpersons/President as per Section 12(6) of Kerala Municipality Act, 1994 and Section 153(14) of the Kerala Panchayat Raj Act, 1994. However, Section 203 of Kerala Municipality Act, 1994 and Section 147 of the Kerala Panchayat Raj Act, 1994, which are typical only bar the jurisdiction of the civil courts (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll of a ward in a Municipality; or (b) to entertain any question on the legality of any action taken by or under the authority of an electoral registration officer or of any decision given by any other person appointed under this act for the revision of any such roll; or (c) to entertain any question on the legality of any action taken or of any

decision given by the Returning Officer or by any other person appointed under this Act in connection with an election.

56. However, the said provisions as well as the bar created under Articles 243(b) and 243-ZG (b) are only dealing with distinct aspects other than the issues raised in the writ petitions, because none of those provisions take in for adjudication a dispute regarding the principles of rotation applied by the State Election Commission. But, in our considered view, at the advanced stage of the electoral process, the writ court exercising power under Article 226 of the Constitution of India need only consider the question in terms of the constitutional provisions as to whether the interference in electoral matters would be an interference with the progress of the election.

57. The provisions discussed above, in our view, would make it sound and explicit that the interference made by the writ court would retard the electoral process and the electoral progress, because by virtue of the peculiar provisions of the Constitution contained under Part- IX and IXA, the entire process from the preparation of the electoral roll in the Panchayats and the Municipalities and upto the declaration of the election of Chairpersons/President is a composite electoral process conducted by the State Election Commission. The judgments of the Apex Court relied upon by the writ petitioners would

have to be considered taking into account the provisions of the Constitution of India and the statute together. And if that is done, we have no doubt that the writ petitions were not maintainable under law and the judgments that would be apt to consider the issues in these appeals would be the judgments of the Apex Court, the Karnataka High Court and the Punjab and Haryana High court referred to above.

58. In ***K. Krishna Murthy*** (supra), a 5 member Constitution Bench of the Apex Court was considering the constitutional validity of reservations in favour of backward classes and those which contemplate the reservation of Chairpersons/President of the local bodies *vis-a-vis* the provisions of Parts IX and IXA of the Constitution of India as discussed above and upheld the validity of Articles 243-D and 243-T in regard to the reservation of seats, rotation etc. to the Panchayats and the Municipalities and the following conclusions were arrived at paragraph 82:

“Conclusion

82. In view of the above, our conclusions are:

(i) The nature and purpose of reservations in the context of local self-government is considerably different from that of higher education and public employment. In this sense, Article 243-D and Article 243-T form a distinct and independent constitutional basis for affirmative action and the principles that have been evolved in relation to the reservation policies enabled by Articles 15(4) and 16(4) cannot be readily applied in

the context of local self-government. Even when made, they need not be for a period corresponding to the period of reservation for the purposes of Articles 15(4) and 16(4), but can be much shorter.

(ii) Article 243-D(6) and Article 243-T(6) are constitutionally valid since they are in the nature of provisions which merely enable the State Legislatures to reserve seats and chairperson posts in favour of backward classes. Concerns about disproportionate reservations should be raised by way of specific challenges against the State legislations.

(iii) We are not in a position to examine the claims about overbreadth in the quantum of reservations provided for OBCs under the impugned State legislations since there is no contemporaneous empirical data. The onus is on the executive to conduct a rigorous investigation into the patterns of backwardness that act as barriers to political participation which are indeed quite different from the patterns of disadvantages in the matter of access to education and employment. As we have considered and decided only the constitutional validity of Articles 243-D(6) and 243-T(6), it will be open to the petitioners or any aggrieved party to challenge any State legislation enacted in pursuance of the said constitutional provisions before the High Court. We are of the view that the identification of “backward classes” under Article 243-D(6) and Article 243-T(6) should be distinct from the identification of SEBCs for the purpose of Article 15(4) and that of backward classes for the purpose of Article 16(4).

(iv) The upper ceiling of 50% vertical reservations in favour of SCs/STs/OBCs should not be breached in the context of local self-government. Exceptions can only be made in order to safeguard the interests of the Scheduled Tribes in the matter of their representation in panchayats located in the Scheduled Areas.

(v) The reservation of chairperson posts in the manner contemplated by Articles 243-D(4) and 243-T(4) is constitutionally valid. These chairperson posts cannot be equated with solitary posts in the context of public employment.”

59. In ***A.K.M Hassan Uzzaman***, a five member Constitution

Bench of the Apex Court considered the question of interference in electoral process, wherein it was held that where election is imminent, High Court must be very cautious and slow to interfere under Article 226 of the Constitution and pass orders or directions postponing the election. Further, that the presumption is always of the existence of *bona fides* in the discharge of constitutional and statutory functions by the Constitutional institutions and functionaries such as Election commission, Chief Electoral Officer or Electoral Registration Officers and until that presumption is displaced, it is not just or proper to act on preconceived notions and to prevent public authorities from discharging functions which are clothed upon them. And it was finally held that the High Court was not right in passing interim orders, since it had no material before it to warrant the passing of those orders. It was further held that though the High Court did not lack jurisdiction to entertain the writ petition and to issue appropriate directions therein, no High Court, in exercise of its powers under Article 226 of the Constitution of India, should pass any orders, interim or otherwise, which has the tendency or effect of postponing an election, which is reasonably imminent and in relation to which its writ jurisdiction is invoked, and further that the imminence of the electoral process is a factor which must guide and govern the passing of orders in exercise

of the writ jurisdiction and that more eminent such process, the greater ought to be the reluctance of the High Court to do anything, or direct anything to be done, which will postpone that process indefinitely by creating a situation in which, the Government of a State cannot be carried on in accordance with the provisions of the Constitution.

60. In ***Harnek Singh*** (supra), the Apex Court considered the maintainability and scope of alternative remedy in the light of remedy available under Section 89(1)(d) (iv) of Punjab State Election Commission Act *vis-a-vis* the election to Panchayats as per the Punjab Panchayati Raj Act, 1994 and held that Article 243 of the Constitution mandates that all election disputes must be determined only by way of an Election Petition, but that by itself may not *per se* bar judicial review, which is the basic structure of the Constitution, but ordinarily such jurisdiction would not be exercised. Therein, the Apex Court considered the judgments in ***C. Subrahmanyam v. K. Ramanjaneyullu*** [(1998) 8 SCC 703] and ***Jaspal Singh Arora v. State of M.P*** [(1998) 9 SCC 594]; in ***C. Subrahmanyam***, it was held that a writ petition should not be entertained when the main question which fell for decision before the High Court was non compliance with the provisions of the Act, which was one of the grounds for an Election

Petition in terms of Rule 12 framed under the Act; in **Jaspal Singh Arora**, it was held by the Apex Court that in view of the mode of challenging the election by an Election Petition being prescribed by the M.P Municipalities Act, it is clear that the election could not be called in question except by an Election Petition as provided under that Act and said that the bar to interference by courts in electoral matters contained in Article 243-ZG of the Constitution was apparently overlooked by the High Court in allowing the writ petition. It was also held thereunder that apart from the bar under Article 243-ZG, on settled principles, interference under Article 226 of the Constitution for the purpose of setting aside election to a Municipality was not called for because of the statutory provision for filing an Election Petition.

61. In **Kishansingh Tomar v. Municipal Corporation of the City of Ahmedabad and others** [(2006) 8 SCC 352], yet another Constitution Bench of the Apex Court, in the matter of Bombay Provincial Municipal Corporations Act, 1949, has considered the significance of Articles 243-K and 243-ZA and held as follows at paragraphs 23 and 24.

“23. In terms of Article 243-K and Article 243-ZA(1) the same powers are vested in the State Election Commission as the Election Commission of India under Article 324. The words in the former provisions are in pari

materia with the latter provision.

24. The words, “superintendence, direction and control” as well as “conduct of elections” have been held in the “broadest of terms” by this Court in several decisions including *Special Reference No. 1 of 2002, In re* [*Special Reference No. 1 of 2002, In re*, (2002) 8 SCC 237] and *Mohinder Singh Gill case* [*Mohinder Singh Gill v. Chief Election Commr.*, (1978) 1 SCC 405] and the question is whether this is equally relevant in respect of the powers of the State Election Commission as well.”

62. In ***Gurdeep Singh Dhillon v. Satpal and others*** [(2006) 10 SCC 616], the Apex Court considered the bar created under Article 243-ZG(b) of the Constitution and held that the shortcut of filing the writ petition and invoking constitutional jurisdiction of the High Court under Articles 226/227 was not permissible and the only remedy available to challenge the election was by raising the election dispute under the local statutes.

63. The judgment of a Division Bench of this Court in ***Chief Electoral Officer v. Sunny Joseph and others*** [2005 KHC 1349 = 2005 (4) KLT 599] was pressed into service by the learned counsel for the State Election Commission in the realm of Section 10 of the Delimitation Act and the interference of a writ court under Article 226 of the Constitution of India, wherein taking into account the basic

structure theory enunciated in ***His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala and another*** [(1973) 4 SCC 225] and the judgments on the point of law of elections *vis-a-vis* the provisions of Parts IX and IX A has held as follows at paragraph 11, 12 and 14:

“11. We find it unable to agree with the proposition urged by counsel for the petitioner. Basic structure theory enunciated in Kesavananda Bharathi's case, came up for consideration before the apex court in Smt. Indira Nehru Gandhi v. Raj Narain (AIR 1975 SC 2299) and in paragraph 667 of the judgment, Justice Shri Y.V. Chandrachud dealing with the argument of the counsel that judicial review is part of the basic structure of the Constitution noticed that when the Constitution was originally enacted it expressly excluded judicial review in a large variety of important matters. Reference was made to Articles. 31(4), 31(6), 136(2), 227(4), 262(2) and 329(a) of the Constitution of India. The court noticed that each of the provisions has a purpose behind it but those provisions would show that the Constitution did not regard judicial review as an indispensable measure of the legality or propriety of every determination. Article 136(2) expressly took away the power of the Supreme Court to grant special leave to appeal from the decisions of any court or Tribunal constituted by a law relating to the Armed Forces. Article 262 (2) authorised the Parliament to make a law providing that the Supreme Court or any other court shall have no jurisdiction over certain river disputes. Reference was also made to Articles 103(1) and 329(b). Article 102 prescribes disqualifications for membership of the Parliament. It was noticed that by Art. 103(1) any question arising under Art. 102 as to whether a member of the Parliament has become subject to any disqualification has to be referred to the President whose decision is final. Further, President is required by Article 103(2) to obtain the opinion of the Election

Commission and to act according to its opinion. The court noticed that in a vital matter pertaining to the election for membership of the Parliament the framers of the Constitution had left the decision to the judgment of the executive. Further Articles 327 and 328 give power to the Parliament and the State Legislatures to provide by law for all matters relating to elections to the respective legislatures including the preparation of electoral rolls and the delimitation of constituencies. It also noticed that by Article 329(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies cannot be called in question in any court. Referring to Article 329 (b) the court pointed out that the Article provides that no election to the Parliament or the State Legislature shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature. Judicial review there can be excluded in certain limited areas, though it is considered to be the basic structure of the Constitution.

12. The Constitution Bench of the apex court later in *L. Chandrakumar v. Union of India and Ors.*, [1997 (3) SCC 261] after referring to the decisions of the Apex Court in *Kesavananda Bharati's* case, *Minerva Mills Ltd. v. Union of India* [1980 (3) SCC625] and *Indira Nehru Gandhi's* case, noticed that Article 329(a) as an example and pointed out that judicial review cannot be considered to be a part of the basic structure so far as election to the legislature is concerned. In the above decision, apex court held that the power of judicial review over legislative action vested in the High Courts under Article 226 and in the Supreme Court under Art. 32 of the Constitution, constituting part of its basic structure and therefore ordinarily the power of the High Courts and the Supreme Court to test the constitutional validity of legislations can never be ousted or excluded. Constitutional Bench therefore noticed that in extra ordinary circumstances, for example, for purity of election and other related matters judicial review cannot be considered to be

part of basic structure and same can be ousted by law.

14. The above mentioned decisions would show even though judicial review is part of the basic structure of the Constitution, but Constitution could exclude judicial review in certain situations. Articles. 31(4), 31(6), 136(2), 227(4), 262(2), 243 O, 243 ZG, 329(a) etc. have excluded the scope of judicial review with a laudable objective pointing that the judicial review in certain situations may not be regarded as an indispensable measure to determine the legality or propriety of actions. The difference in the phraseology used in Article 329 (a) and (b) may give some room for challenging the orders passed under Article 329(b) under Article 226 of the Constitution of India on certain limited grounds but not the orders relating to delimitation of constituencies which fall under Article 329(a). The words "shall not be called in question" are absent in Article 329(b) but very much present in Article 329(a). Article 329(b) enables aggrieved person to question the election by an election petition as provided for under any law. The decision in **Meghraj Kothari's** case, in our view, is an authority for the proposition that orders passed under Sections 8, 9 and 10(2) of the Delimitation Act and have to be treated as law under Article 329(a) of the Constitution and therefore cannot be called in question in any court. We therefore decline jurisdiction of this Court holding that the petition under Article 226 of the Constitution of India is not maintainable in view of the specific bar contained under Article 329(a) of the Constitution. Preliminary objection is therefore upheld and W.P.C. No 19772 of 2005 would stand dismissed and allow Writ Appeal 1495 of 2005.”

64. In **Latha** (supra), the Karnataka High Court considered the issue with respect to the question of allotment of reservation to a particular seat of President or Vice President in a particular constituency of Zilla Panchayat and held that it would fall within the

ambit and scope of clause (a) of Article 243-O of the Constitution of India so as to allow judicial scrutiny of the same under Article 226 of the Constitution of India bypassing the bar created under the said provision. It was held thereunder that even though an Election Petition is not an adequate remedy, it is not a sufficient ground to waive bar under Article 243-O and further that fixing of reservation by applying rule of rotation on the basis of population ratio is a mind boggling exercise and the impracticality and virtual impossibility of examining the fixation of reservations for the post of President and Vice President of the Zilla Panchayats is another big reason which prevents the court from exercising the writ jurisdiction. It was also held therein that the superior and pervasive impact of constitutional bar cannot be allowed to be breached under the guise of wide judicial discretion and jurisdiction available under Article 226 of the Constitution of India and such a temptation to exercise extraordinary jurisdiction under Article 226 should take back seat to maintain the higher constitutional objectives of keeping the election process insulated and free from court interference as contained in Article 243 of the Constitution of India.

65. A Division Bench of the Punjab and Haryana High Court in **Satpal Goya** (supra) considered the question of reservation of seats

for women, Scheduled Castes and Scheduled Tribes under the Punjab Municipal Corporation Law (extension to Chandigarh) Act, 1994 *vis-a-vis* Articles 243T and 243-ZG(b) and held that interference of courts in election matters is not permissible once election process is set in motion. After taking note of the fact that as per the provisions of the Constitution and statutory provisions, reservation of seats for women, Scheduled Castes and Scheduled Tribes on rotation basis and after examining the judgments on the points in issue, it was held that Article 243ZG(b) of the Constitution of India postulates that notwithstanding anything contained in the Constitution, the remedy to challenge the election to any Municipalities is by way of an Election Petition only.

66. Having found that the electoral process starts from the preparation of electoral roll by the State Election Commission in accordance with the mandates contained under Articles 243-K and 243-ZA of the Constitution of India and ends only after the election to the offices of the Chairpersons/President of the Municipalities and the Panchayats as is contemplated under the provisions of the respective statutes discussed above, the judgment of the Apex Court in ***Election Commission v. Ashok Kumar*** [(2000) 8 SCC 216], where a limited interference in electoral matters was made possible in the realm of

elections to the Parliamentary and Assembly constituencies, would not apply here, especially in view of the intrinsic aspects to be undertaken by the State Election Commission to recast the rotation of the posts of Chairpersons/President of the local bodies as discussed above

67. On an analysis of the provisions of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994 extracted above in regard to the application of rotation principle, it is quite vivid apparent that the notification of the State Election Commission dated 03.11.2020 is absolutely dependent on the notification issued by the State Government dated 16.07.2020, which notification was never under challenge. Therefore, in our view, the notification issued by the State Election Commission reserving the offices of Chairpersons/President does not have any independent existence detached from the mandatory Government notification contemplated under the provisions of the respective statutes discussed above, since in the absence of the Government notifications, State Election Commission is not empowered to issue any notification.

68. During the course of arguments, Government order dated 16.07.2020 issued in respect of reservation of posts of Presidents of three tier Panchayats and the Municipalities, for the women, Scheduled Caste and Scheduled Tribes were made available to us from where we

are satisfied that the Government have examined the recommendations given by the Principal Director, Local Self Government Departments and reserved the respective posts by virtue of the powers conferred under the provisions of Sections 10 of Kerala Municipality Act, 1994 and Section 153 of the Kerala Panchayat Raj Act, 1994 and the notifications were issued providing a complete guidance to the rotations to be made in the reserved posts .

69. Moreover, on an analysis of the provisions extracted above, it is very clear that it is not an ordinary or empty procedure to be undertaken to reserve the seats for the candidates to contest the election and to the offices of the Chairpersons/Presidents and further it cannot be done without appropriate permutations and combinations on the basis of an empirical data. We are also of the firm opinion that the reservation of seats to the election, for Scheduled Castes/Scheduled Tribes/women and the rotation principle to be applied for reservation to the offices in question are interdependent and therefore, without disturbing the election, a recasting would not be possible. Therefore, in order to recast, as directed by the learned single Judge, the election process already started by the State Election Commission as such would have to be put on hold, which is an aspect interfering with the process of election and progress of election and therefore, the bar

created under the provisions of the Constitution and the respective statutes would come into play.

70. Bearing in mind the provisions of the Constitution of India and the relevant statutes and so also the proposition of law laid down by the Apex Court in the aforementioned judgments as well as in ***N.P. Ponnuswami*** and ***Mohinder Singh Gill*** (supra), we have no hesitation to hold that the issues raised by the petitioners are clearly barred under Articles 243-O(a) and 243-ZG(a) r/w clauses (b) thereof of the Constitution of India. We also find that the learned single Judge having found that there is no illegality on the part of the State Election Commission to reserve the offices in accordance with the provisions of the statutes, according to us, was not right in interfering with the electoral process, especially when the directions issued by the learned single Judge to recast the rotation to the post of Chairpersons/President of the local bodies is a complex and complicated procedure dependent on various factors in accordance with the provisions of the Constitution as discussed above and the provisions of the statutes in question.

71. Even though certain of the provisions of the statutes were challenged being unconstitutional, the learned single Judge did not grant any relief in regard to that, which thus means, the reliefs can

only be presumed to be declined, by applying the principles of *res judicata* propounded under Section 11 CPC, which is not challenged by any aggrieved writ petitioners. We are conscious of the fact that the findings were rendered by the learned single Judge by reading down the provisions of the Constitution as well as the statute. However, in the appeals, the challenge made to such provisions are not matters for consideration. Therefore, we will have to consider the issue taking into account the provisions of the statutes as such.

72. Though certain provisions of the Rules framed for the election to the offices in question were referred to, in view of the findings rendered by us as above, it may not have any bearing or relevance. Same is the case with the definition of election provided under Section 2(14) of the Kerala Municipality Act, 1994 and Section 2(XIV) of the Kerala Panchayat Raj Act, 1994 to mean to fill a seat in any of the constituencies in Panchayats at any level; but in view of the specific reference of the term "elections" to the Panchayats and the Municipalities" in Parts IX and IXA of the Constitution, the definition provided under the respective statutes to "election" to fill any vacancy in the wards of any Municipality for the constituencies of the Panchayats at any level can only be seen and construed as denoting to the said elections only. But that by itself cannot take away, the power

conferred on the State Election Commission under the provisions of the Parts IX and IXA of the Constitution to conduct all elections to the Panchayats and all elections to the Municipalities upto it's culmination as specified above and in accordance with the provisions of the statutes.

73. True, the writ petitioners have a contention that the upper ceiling limit of 50% in contemplation of the provisions of the Constitution so far as the rotation principle is concerned is violated. However, we are of the view that if that has been violated overlooking the mandate of the provisions of the Constitution and the respective statutes, it is a subject matter for adjudication in a properly constituted petition and in accordance with law after the elections are over. Whatever that may be, we are of the considered view that the aforesaid exercise of reservation and rotation should have been done by the State Government as well as the State Election Commission sufficiently early to the election so as to enable any aggrieved person to raise objections to the reservations and rotations made, if they are not done by the State and the Election Commission in accordance with the mandate of the Constitution, which aspect shall be borne in mind for future considerations.

Upshot of the above discussion is that the appeals filed by the

State Government and the State Election Commission are allowed and consequently, the writ petitions are dismissed. However, we make it clear that all the questions of fact and law raised in the writ petitions in respect of the alleged misapplication of the reservation, rotation principle in the matter of reservation to the post of Chairperson/Presidents, excessive reservation etc. are all left open, and further that the findings, observations and conclusions arrived at by us as above shall not be construed as any expression of opinion on the merits of the said matters reserved as above.

**S. MANIKUMAR,
CHIEF JUSTICE**

**SHAJI P. CHALY,
JUDGE.**

Rv