

V.Vimala Vs. the Returning Officer

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Court : Kerala

Decided On : Nov-06-2013

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : V.Vimala

Respondent : The Returning Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN WEDNESDAY, THE 6TH DAY OF NOVEMBER 2013 15TH KARTHIKA, 1935 WP(C).No. 21303 of 2013 (K)

----- PETITIONER(S): ----- V.VIMALA, THOTTUMKARAMELA PUTHEN VEEDU, NARUVAMOODU P.O., THIRUVANANTHAPURAM. BY ADVS.SRI.B.S.SWATHY KUMAR SMT.V.BEENA
RESPONDENT(S): ----- 1. THE RETURNING OFFICER (ELECTION TO THE THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339, THEMPAMUTTAM, BALARAMAPURAM THIRUVANANTHAPURAM) (SENIOR CO-OPERATIVE INSPECTOR SPECIAL GRADE , HANDLOOM CIRCLE, DISTRICT INDUSTRIES CENTRE, VELLAYAMBALAM, THIRUVANANTHAPURAM-695 033.

2. THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339,THEMPAMUTTAM, BALARAMAPURAM, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY-695 501.

3. C.RAJAN, MEMBER MANAGING COMMITTEE OF THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339 , THEMPAMUTTAM, BALARAMAPURAM, THIRUVANANTHAPURAM695501.

4. C.RAMAN, MEMBER MANAGING COMMITTEE OF THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339 THEMPAMUTTAM, BALARAMAPURAM, THIRUVANANTHAPURAM695501.

5. S.PRASANNAKUMARI, MEMBER MANAGING COMMITTEE OF THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339 THEMPAMUTTAM, BALARAMAPURAM, THIRUVANANTHAPURAM695501. tss WP(C).No. 21303 of 2013

6. S.R.USHAKUMARI, MEMBER MANAGING COMMITTEE OF THEMPAMUTTAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO.T-339 THEMPAMUTTAM, BALARAMAPURAM, THIRUVANANTHAPURAM695501. R1 BY GOVERNMENT PLEADER SRI.PADMARAJ R3 BY ADV. SRI.T.M.RAMAN KARTHA THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/11/2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: tss WP(C).No. 21303 of 2013 (K) -----

APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1.TRUE COPY OF THE NOTIFICATION DATED 22/6/2013 ISSUED BY THE 1ST RESPONDENT. EXHIBIT P2.TRUE COPY OF THE ONE OF THE MODEL BALLOT PAPER OF THE ELECTION TO THE 2ND RESPONDENT. EXHIBIT P3.TRUE COPY OF THE PETITION SUBMITTED BEFORE THE 1ST RESPONDENT DATED NIL. RESPONDENT(S)' EXHIBITS ----- NIL TRUE COPY P.A. TO JUDGE tss K. VINOD CHANDRAN, J ----- W.P(C) No.21303 of 2013 - ----- Dated this the 6th day of November, 2013

JUDGMENT

The petitioner was a candidate in the election to the 2nd respondent Co-operative Society, wherein the 1st respondent was a returning officer. The only grievance of the petitioner is that though she had secured 22 votes in the initial counting, on re-counting her votes were said to be only 19 and she was not elected. The

contention is that Ext.R1(a) produced by the returning officer would make it clear that the re-counting was done only in the presence of those persons who had secured more votes than 20. The petitioner demands that a further re-counting of the votes may be carried out. The election itself was conducted on 26.7.2013 and the results were declared on the same day. The petitioner has not chosen to approach the appropriate authority to challenge the election and the results declared. The petitioner seeks invocation of Article 226 of the Constitution. This Court is of the opinion that on the facts and circumstances of the case the prayer has to be declined for the reason of the petitioner not WPC.21303/2013 :

2. : availing the alternate remedy of filing an election petition. The writ petition hence stands dismissed, without prejudice. No costs. Sd/- (K. VINOD CHANDRAN, JUDGE) jma //true copy// P.A To Judge

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