

Mabrook vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/930/2022

Appellant : Mabrook

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI MONDAY,
THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943
PETITIONERS: 1 MABROOK KUDUMBASHREE NEIGHBORHOOD
GROUP, NEERCHAL, KANNUR. REP.BY ITS SECRETARY,
SHUHAIBA.B, D.O SOOPY, AGED 44 YEARS, BATTINDAVIDA
HOUSE, CH NAGAR, THAYYIL P.O, KANNUR DISTRICT, PIN - 670
003 2 AL MAJAS KUDUMBASHREE NEIGHBORHOOD GROUP,
NEERCHAL, KANNUR, REP. BY ITS SECRETARY, NISSAMI .C, AGED
38 YEARS, D.O K.V. KHALID, ZEENATH MANZIL, NEERCHAL
SCHOOL, THAYYIL P.O, KANNUR DISTRICT, PIN - 670 003

BY ADVS. SRI.M.MUHAMMED SHAFI SMT.T.RASINI SRI.MUNAS K.P
RESPONDENTS: 1 STATE OF KERALA LOCAL SELF GOVERNMENT
DEPARTMENT, REP. BY ITS PRINCIPAL SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001 2 THE
EXECUTIVE DIRECTOR, STATE KUDUMBASHREE MISSION REP. BY
THE EXECUTIVE DIRECTOR, KUDUMBASHREE,
THIRUVANANTHAPURAM 3 MEMBER SECRETARY COMMUNITY
DEVELOPMENT SOCIETY, KUDUMBASHREE, KANNUR MUNICIPAL
CORPORATION, KANNUR

4 RETURNING OFFICER COMMUNITY DEVELOPMENT SOCIETY,
KUDUMBASHREE, KANNUR MUNICIPAL CORPORATION, KANNUR
OFFICE OF THE DEPUTY COMMISSIONER INTELLIGENT, STATE
GOODS AND SERVICES TAX DEPARTMENTS, PIN - 670 002

5 DEPUTY DIRECTOR, DISTRICT ELECTION OFFICER-DEPUTY
DIRECTOR OF PANCHAYATH, KANNUR 6 DISTRICT COORDINATOR
KUDUMBASHREE MISSION, KANNUR. 7 SHARMILA. P. P AGED 35
YEARS PUTHIYAPURAYIL HOUSE, NEERCHAL DIVISION, THAYYIL
P.O, KANNUR BY ADVS. SRI.SANTHARAM.P SMT.REKHA ARAVIND
SRI.P.G.GOKULNATH SMT. K.R. DEEPA, SPL.GP. THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T. R.RAVI ,J. ----- - W P(C)NO. 930 OF 2022 --- -- - th Dat ed t
hist he28 dayofFebruary,2022

J U D G M E N T The writ on has been filed by the Kudumbashree Units which had
been excluded from the Voter's list. The petitioners contended that they had submitted
applications for affiliation as early as on 09. 09. 2021 but affiliation was delayed
and was granted only on 02. 12. 2021. Since the date of affiliation was beyond
the time stipulated in the election notification, they were not permitted to par-
ticipate in the election process. On the basis of orders dated 13. 01. 2022 and 18. 01.
2022, the petitioner was permitted to participate in the election process and it is submi-

tted today that they have participated in the process of election and election sale so over. The only dispute was on the fact whether Ext s. P2 and P3 had duly been received on 09.

09. 2021. It can be seen from the order dated 18. 01. 2022 that,

a submission was made by the Special Government Pleader that the originals were not available with him. The 3rd respondent had submitted the originals available with him and it was not that basis that his Court had permitted to deposit the original documents. The 3rd respondent has now filed a counter affidavit producing along with, the application submitted by depositing the original document available, no further order shall be made for the return, except making the order absolute. The return is hence closed making the order absolute. Registry shall return the original applications which have been produced as Ext s. R3(a) and R3(b) to the 3rd respondent after keeping a copy of the same in the file. Sd/- T. R. RAVI JUDGE in APPENDIX OF WP(C) 930/2022 PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF THE AFFILIATION APPLICATION ALONG WITH THE REQUIRED DOCUMENTS SUBMITTED BY THE 2ND PETITIONER Exhibit P2 TRUE COPY OF THE REPRESENTATION DATED 14-09- 2021 WITH THE ENDORSEMENT OF 3RD RESPONDENT Exhibit P3 TRUE COPY OF THE REPRESENTATION DATED 14-09- 2021 WITH THE ENDORSEMENT OF 3RD RESPONDENT Exhibit P4 TRUE COPY OF THE GOVERNMENT ORDER NO. Exhibit P5 TRUE COPY OF THE ORDER NO. D-1239/2021 DATED 05-01-2022 WAS SERVED ON THE PETITIONER ON 06-01-22 Exhibit P6 TRUE COPY OF THE RELEVANT PAGES OF THE BYELAW OF THE KUDUMBASHREE SYSTEM RESPONDENT'S EXHIBITS Exhibit R6(a) A TRUE COPY OF THE RELEVANT PORTION OF THE AMENDED RULES Exhibit R6(b) A TRUE COPY OF THE COMPLAINT RECEIVED FROM THE 7TH RESPONDENT Exhibit R6(c) A TRUE COPY OF THE RELEVANT PAGE OF THE CDS AFFILIATION REGISTER Exhibit R6(d) A TRUE COPY OF THE RECEIPT ISSUED TO THE 1ST PETITIONER Exhibit R6(e) A TRUE COPY OF THE RECEIPT ISSUED TO THE 2ND PETITIONER Exhibit R3(a) ORIGINAL OF EXHIBIT P2 APPLICATION RECEIVED ON 14.09.2021 Exhibit R3(b) ORIGINAL

OF EXHIBIT P3 RECEIVED ON 14.09.2021 //TRUE COPY// PA TO JUDGE

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