

Vinod S. vs Pradeesh P.

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Court : Kerala Orders

Decided On : Feb-16-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : Con.Case(C)/167/2022

Appellant : Vinod S.

Respondent : Pradeesh P.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI WEDNESDAY, 16TH FEBRUARY , 2022 / 27TH MAGHA, 1943 WP(C) NO. 30866 OF 2021 PETITIONER: VINOD.S, S/O. K.SUDEVAN, NOORAM VEEDU, CHAKKAYIL, THIRUVAZHAYAD P.O., PALAKKAD-678 510. BY ADVS. SRI P.R.VENKATESH SRI G.KEERTHIVAS RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM-695 001. 2 ADDITIONAL DISTRICT MAGISTRATE (COORDINATOR) KUDUMBASHREE, DISTRICT MAGISTRATE, CIVIL STATION, PALAKKAD-678 001. 3 KUDUMBASHREE DISTRICT MISSION

REPRESENTED BY ITS CHAIRMAN, CIVIL STATION, PALAKKAD- 678 001. 4 AYILUR GRAMA PANCHAYAT AYALUR, CHITTUR TALUK, PALAKKAD-678 510 REPRESENTED BY ITS SECRETARY. 5 EXECUTIVE DIRECTOR KUDUMBASHREE, TRIDA BUILDING, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011. 6 DEPUTY RETURNING OFFICER AGRICULTURAL ASSISTANT, KRISHI BHAVAN, AYALUR, PALAKKAD-678 5+10. 7 COMMUNITY DEVELOPMENT SOCIETY (CDS) AYILUR GRAMA PANCHAYAT, AYILUR, PALAKKAD-678 510 REPRESENTED BY ITS MEMBER SECRETARY.

& Cont.Case (C)No.167 of 2022 2 ADDL.R8 & R9 IMPEADED 8 ADD.R8 : THE DEPUTY COLLECTOR (RR), CIVIL STATION, PALAKKAD-678 001 9 ADD.R9 : THE DISTRICT COORDINATOR, KUDUMBASHREE DISTRICT MISSION, CIVIL STATION, PALAKKAD-678 001 (ADDL.R8 AND ADD.R9 ARE IMPEADED AS PER ORDER DATED 06-01-2022) BY SPL.GOV.T.PLEADER SMT.K.R.DEEPA SRI V.A.JOHNSON VARIKKAPPALLIL THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31.01.2022, ALONG WITH CONT.CASE(C).167/2022, THE COURT ON 16.2.2022 DELIVERED THE FOLLOWING: & Cont.Case (C)No.167 of 2022 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI WEDNESDAY, 16TH FEBRUARY , 2022 / 27TH MAGHA, 1943 CON.CASE(C) NO. 167 OF 2022 AGAINST THE ORDER DT.6.1.2022 IN WP(C) 30866/2021 OF HIGH COURT OF KERALA PETITIONER/PETITIONER: VINOD S. AGED 38 YEARS S/O.K.SUDEVAN, NOORAM VEEDU, CHAKKAYIL, THIRUVAZHAYAD P.O., PALAKKAD DISTRICT, PIN - 678 510. BY ADV SRI P.R.VENKATESH RESPONDENTS/RESPONDENTS 7 TO 9:

1 PRADEESH P. (AGE AND FATHER NAME NOT KNOWN TO THE PETITIONER), MEMBER SECRETARY, COMMUNITY DEVELOPMENT

SOCIETY (CDS), AYILUR GRAMA PANCHAYAT, AYILUR, PALAKKAD DISTRICT, PIN - 678 510. 2 ABBAS (AGE AND FATHER NAME NOT KNOWN TO THE PETITIONER), DEPUTY COLLECTOR (RR), CIVIL STATION, PALAKKAD - 678 001. 3 P. SAITHALAVI, AGED 50 YEARS, S/O P.MUHAMMED, DISTRICT CO-ORDINATOR, KUDUMBASREE DISTRICT MISSION, CIVIL STATION, PALAKKAD - 677 001.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2022, ALONG WITH WP(C).30866/2021, THE COURT ON 16.2.2022 DELIVERED THE FOLLOWING: & Cont.Case (C)No.167 of 2022 4

T.R.RAVI,J.

----- & Cont.Case (C)No.167 of 2022
----- Dated this the 16th day of February, 2022

JUDGMENT

The petitioner who is an elected member of the Ayilur Grama Panchayat, representing the Karimprara Ward, has challenged the election process to the Kudumbasree Ayalkoottams of Ayilur Grama Panchayat. The prayer in the writ petition is to direct respondents 2 and 3 to ensure completion of the audit and affiliation/renewal of all Kudumbasree Ayalkoottams of the Panchayat before the scheduled elections takes place, so as to enable them to participate in the electoral process.

2. On 6.1.2022, this Court issued the following directions:

(1) Deputy Collector (RR), Civil Station, Palakkad- 678 001 and District Coordinator, Kudumbashree District Mission, Civil Station, Palakkad - 678 001 are impleaded as additional respondents 8 and 9 in both these writ petitions. Registry to make necessary corrections in the cause title.

(2) The respondents 8 and 9 are directed to prepare an & Cont.Case (C)No.167 of 2022 5

additional list of voters representing those Ayalkoottams which are eligible to vote as per Clause 18 of Kudumbashree Election Rules, but have not been included in the voters list for the reason that their auditing has not been completed.

(3) The persons included in these additional lists are also be permitted to participate in the election process. However, the votes cast by such persons will be kept in a different ballot box.

(4) After completing the election, the Electoral Officers may proceed with the counting of the votes and shall prepare the details of votes cast in the main ballot box as well as in the additional ballot box.

(5) In case the election is not through ballot box and is done by show off hands or any other method, the Electoral Officers shall keep separate count of the votes cast by the persons in the main list and the additional list.

(6) A report shall be filed before this Court after the completion of the entire process.

3. As directed in the order, the District Coordinator,

Kudumbasree District Mission, Palakkad has submitted a report. It is stated in the report that pursuant to the order of this Court 17 Ayalkoottams were identified to be Ayalkoottams which had not completed their audit. It is stated that the said Ayalkoottams were asked to appear for audit and out of the 17, eight Ayalkoottams submitted the required papers and their audit was completed and they were included in the election process. It is submitted the remaining nine Ayalkoottams did not produce the required registers & Cont.Case (C)No.167 of 2022 6 in their completed forms and returned without completing the audit process. It is further stated that the eight Ayalkoottams which were found eligible had participated in the election process for Ayalkoottam election and the second stage of election.

4. In view of the above, the writ petition is disposed of

directing respondents 8 and 9 to complete the election process on the basis of the list finalised as stated above, including the eight Ayalkoottams which were also

found eligible, in the election process. If the petitioner has any further grievance, he is at liberty to approach the concerned authorities under Clause 21 of the Election Byelaws, provided he is eligible to raise a challenge as per the Byelaws. Cont.Case (C)No.167 of 2022 The contempt case has been filed alleging that the interim

order issued by this Court on 6.1.2022 has not been complied. On

going through the report submitted by the District Co-ordinator, Kudumbasree District Mission, Palakkad in the writ petition, I do not find any wilful disobedience of the order issued by the Court. The interim order was intended to safeguard the rights of such Ayalkoottams who may lose their voting right in the election and was not a recognition of any right of the petitioner to take part in the & Cont.Case (C)No.167 of 2022 7 election. In view of the final judgment in W.P.(C)No.30866 of 2021, no orders are called for in this contempt case and the same is dismissed. Sd/- T.R.RAVI JUDGE dsn & Cont.Case (C)No.167 of 2022 8 APPENDIX OF WP(C) 30866/2021 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE ELECTION NOTIFICATION ISSUED BY THE DEPUTY RETURNING OFFICER DATED 20.12.2021. Exhibit P2 TRUE COPY OF AUDIT CONDUCTED FOR THE YEAR 2019-20

AND THE AFFILIATION RENEWED IN RESPECT OF 227 AYALKOOTTAMS IN THE VARIOUS WARDS OF AYALUR GRAMA PANCHAYAT WHICH WAS CONDUCTED ON A SINGLE DAY VIZ.14.12.2021.

Exhibit P3 TRUE COPY OF BYELAWS FOR THE KUDUMBASHREE THREE TIER ORGANIZATIONAL ELECTION REGULATIONS. Exhibit P4 TRUE COPY OF REPRESENTATION TO THE KUDUMBASHREE DISTRICT MISSION COORDINATOR, THE ADDITIONAL DISTRICT MAGISTRATE, PALAKKAD. Exhibit P5 TRUE COPY OF REPRESENTATION SUBMITTED DIRECTLY TO THE COORDINATOR ON 18.12.2021 BY MEMBERS OF THE KUDUMBASHREE OF WARD NO.III. Exhibit P6 TRUE COPY OF REPRESENTATION SUBMITTED TO THE CHAIRPERSON/MEMBER SECRETARY OF THE CDS OF THE AYILUR GRAMA PANCHAYAT. Exhibit P7 TRUE COPY OF THE ACKNOWLEDGEMENT

RECEIPT OF THE REPRESENTATIONS SUBMITTED. Exhibit P8 TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT OF THE REPRESENTATIONS SUBMITTED. Exhibit P9 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER AND OTHERS BEFORE THE DISTRICT COLLECTOR, PALAKKAD DATED 12.01.2022. Exhibit P10 TRUE COPY OF THE ORDER DATED 14.01.2022 ISSUED BY CHIEF SECRETARY, GOVERNMENT OF KERALA. RESPONDENTS' EXTS: EXT.R9(A) TRUE COPY OF THE GOVERNMENT ORDER DT.6.1.2021

EXT.R9(B) TRUE COPY OF THE GOVERNMENT ORDER

GO(P)No.56/2021/LSGD DT.11.11.2021 EXT.R9(C) TRUE COPY OF RELEVANT PAGE (PAGE NO.25) OF THE AMENDED BYLAW 2021 SHOWING SECTION 12.13 EXT.R9(D) TRUE COPY OF MINUTES OF THE CDS COMMITTEE HELD ON & Cont.Case (C)No.167 of 2022 9 22.8.2020 AND 19.2.2021 EXT.R9(E) TRUE COPY OF RELEVANT PAGE (PAGE NO.17) OF THE AMENDED BY-LAW 2021 SHOWING SECTION 10.3.2. EXT.R9(F) TRUE COPY OF RELEVANT PAGE (PAGE NO.16) OF AMENDED BY-LAW 2021 SHOWING SEC.10.1.9 EXT.R9(G) TRUE COPY OF RELEVANT PAGES 35 AND 36 CONTAINING

RULE 20 OF THE KUDUMBASREE ELECTION RULES ISSUED BY THE EXECUTIVE DIRECTOR, KUDUMBASREE ON 01.12.2021

EXT.R9(H) TRUE COPY OF LETTER ISSUED TO THE RETURNING OFFICE, AYILOOR, GRMA PANCHAYAT DT.11.1.2022. & Cont.Case (C)No.167 of 2022 10 APPENDIX OF CON.CASE(C) 167/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE ORDER DATED Annexure B TRUE COPY OF THE COMPLAINT GIVEN BY THE PETITIONER AND OTHER 2 PERSONS TO THE DISTRICT COLLECTOR, PALAKKAD DATED

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