

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945

WA NO. 1103 OF 2023

AGAINST THE ORDER/JUDGMENT IN WP(C) 15386/2023 OF HIGH COURT
OF KERALA

APPELLANT/PETITIONERS:

- 1 BASHEER.M
AGED 73 YEARS
S/O.LATE.MEERASAHIB RAWTHER,VARUVIL
HOUSE,KAMPALADI,PORUVAZHI P.O,KOLLAM, PIN - 690520
- 2 NAZARUDEEN .P
AGED 49 YEARS
S/O.LATE.PAREED RAWYJER
KOLTHACHANAZHIKKAKATHU,KAMPALADY,ORUVAZHY P.O,
KOLLAM, PIN - 690520

BY ADV V.PHILIP MATHEWS

RESPONDENT/RESPONDENTS:

- 1 STATE CO-OPERATIVE ELECTION COMMISSIONER
3RD FLOOR,CO-OPERATIVE BANK TOWERS,VIKAS BHAVAN P.O
THIRUVANTHAPURAM,-695033 REPRESENTED BY ITS
SRCRETARY, PIN - 695003
- 2 DEPUTY DIRECTOR
OFFICE OF THE DEPUTY DIRECTOR DIARY DEVELOPMENT
DEPARTMENT KOLLAM, PIN - 691081
- 3 ELECTORAL OFFICER
DIARY EXTENSION OFFICER ,DIARY EXENSION SERVICE
UNIT SASTHAMKOTTA, KOLLAM, PIN - 690520
- 4 RETURNING OFFICER
DIARY FARM INSTRUCTOR -B UNIT SASTHAMKOTTA, KOLLAM,
PIN - 690520
- 5 KAMPALADI KSHEEROLPADAKA SAHAKARANA SANGAM
NO.Q 262 (D) APCOS KAMPALADY,PORUVAZHY P.O, KOLLAM
DISTRICT, REPRESENTED BY ITS SECRETARY, PIN -

690520

- 6 SECRETARY
KAMPALADI KSHEEROLPADAKA SAHAKARANA SANGHAM NO.Q
262(D) APCOS KAMPALADY, PORUVAZHYP.O, KOLLAM
DISTRICT, PIN - 690520
- 7 H.JALEEL
PALLIYADIYIL VADAKKU KAMPALADY, PORUVAZHY P.O, KOLLAM
DISTRICT, PIN - 690520
- 8 RAVI
MOOLASSERIL KAMPALADI, PORUVAZHY, P.O. KOLLAM
DISTRICT, PIN - 690520
- 9 SHAHIDA .S
W/O. SAHAL, SAHAL NIVAS THAMARAKKULAM, ALAPPUZHA
DISTRICT, PIN - 690530
- 10 SHAHUL HAMEED
PLAVILAYIL, KAMPALADI PORUVAZHY. P.O. KOLLAM
DISTRICT, PIN - 690520
- 11 FAZEELA
PARAMPILE VILA, KAMPALADI, PORUVAZHY. P.O. KOLLAM
DISTRICT, PIN - 690520
- 12 SUBAIR KUTTY
PARAMPILE VILAYIL KAMPALADI, PORUVAZHY. P.O. KOLLAM
DISTRICT, PIN - 690520
- 13 SULAIMAN RAWTHER
NJERINJAM PLAVILA, KAMALADI, PORUVAZHY. P.O. KOLLAM
DISTRICT, PIN - 690520

OTHER PRESENT:

SR.GP.V.TEKCHAND;

SC FOR SCEC C.M.NAZAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Ashish J. Desai, C.J.

&

V.G. Arun, J.

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W.A.No.1103 of 2023

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Dated this the 1st day of August 2023

JUDGMENT

Ashish J. Desai, C.J.

Having heard the learned Counsel for the appellants, we do not find any reason to interfere with the impugned judgment by which the learned Single Judge directed to hold election. It has also been observed that dismissal of the writ petition would not prevent the petitioners from seeking appropriate remedies against the inclusion of ineligible persons in the final voters list by filing election petition.

2. It is submitted that elections have already been held and the results are declared.

The writ appeal is dismissed. However, it is made clear that if any election petition is filed, that shall be decided in accordance with law, without being prejudiced by the observations made in

the impugned judgment.

Sd/-

Ashish J. Desai
Chief Justice

Sd/-

V.G. Arun
Judge

dpk