
(2010) 09 KL CK 0305

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28078 of 2010 (H)

B.H. Abdulla Kunhi

APPELLANT

Vs

The State De-Limitation Commission

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Constitution of India, 1950 — Article 243O

Kerala Panchayat Raj Act, 1994 — Section 10, 10(3A), 11

Citation : (2010) 09 KL CK 0305

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : V.C. James, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

P.N. Ravindran, J.—Ext.P4 final Delimitation order issued by the State Delimitation Commission in respect of Manjeswaram Block Panchayat is under challenge in this writ petition. The final Delimitation order was published in the Kerala Gazette (Extraordinary) dated 26.8.2010. A learned single Judge of this Court has in W.P.(C) No. 21793 of 2010 and connected cases held that by virtue of Section 10(3A) of the Kerala Panchayat Raj Act, 1994, the Delimitation order has the force of law thereby attractig the bar under Article 243O(a) of the Constitution of India, and therefore, a writ petition challenging the final Delimitation order cannot be entertained. In such circumstances, it has to be necessarily held that challenge to Ext.P4 cannot be entertained.

2. The learned Counsel appearing for the petitioner, however, submitted that the petitioner has submitted an application u/s 11 of the Kerala Panchayat Raj Act, 1994 seeking rectification of the mistakes in the Delimitation order and that the State Delimitation Commission may be directed to consider the same on the merits and take an appropriate decision in the matter.

3. A reading of Ext.P6 which is the application filed by the petitioner u/s 11 of the

Kerala Panchayat Raj Act, 1994 discloses that the objection raised therein is that the wards were not delimited in a clock wise manner and that the guidelines have not been followed when the delimitation exercise was carried out. u/s 11 of the Kerala Panchayat Raj Act, the State Election Commission or an officer authorised by it or the Delimitation Commission may, from time to time, correct any printing mistake in any order made u/s 10 or any error therein arising from an inadvertent slip or omission. What the petitioner seeks in Ext.P6 is not the rectification of any such mistake. Therefore, this Court cannot direct the State Delimitation Commission to consider Ext.P6 as an application filed u/s 11 of the Kerala Panchayat Raj Act, 1994.

In view of the decision of this Court in W.P.(C) No. 21793 of 2010 and connected cases, no relief can be granted to the petitioner in this writ petition. The writ petition fails and is accordingly dismissed with the observation that the dismissal of the writ petition will not stand in the way of the State Delimitation Commission from considering Ext.P6 and taking an appropriate decision thereon, in accordance with law.