
(2024) 05 KL CK 0159

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19178 Of 2024

Cheravally Muslim Jumath Represented By Secreatry

APPELLANT

Vs

Station House Officer

RESPONDENT

Date of Decision : 31-05-2024

Acts Referred:

Citation : (2024) 05 KL CK 0159

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : A.Shafeek, K.Paul Kuriakose, T.A.Rafeek, Rekha C.Nair, K.K.Paul

Final Decision : Disposed Of

Judgement

Devan Ramachandran, J.

1. The petitioner which is stated to be a Jumath, says that the election to its Governing Body is scheduled on 02.06.2024, but that they apprehend that respondents 2 to 5 would cause obstruction. They say that they have, therefore, preferred Ext.P3 petition before the first respondent, seeking protection, but which has not been heeded to; thus constraining them to approach this Court through this Writ Petition.

2. However, in response to the various allegations and assertions made by the petitioner in the pleadings and to the submissions made as afore by their learned counsel - Sri.Shafeek.A, the learned counsel for respondents 2 to 5 - Sri.K.K.Paul, submitted that every one of them are without basis and that his clients do not intent to cause any obstruction or intimidation to the conduct of the elections, nor do they have any reason to do so. He submitted that they do not even intent to participate in the elections and therefore, that the imputations made by the petitioner are mischievous and intended for an oblique motive. He therefore, reserved his clients' right to proceed against the petitioner legally, if they are so advised.

3. Smt.Rekha.C.Nair, learned Senior Government Pleader, submitted that the Returning Officer has already been appointed for the elections, who will be afforded every protection, as he requires, if he makes such an application. She submitted that the petitioner need not harbour any apprehension because, should the Returning Officer seeks assistance of the Police, it will be offered to him without any delay.

3. The afore stand of the Police certainly is the most apposite in the circumstances because, the parties to an election cannot seek protection as a matter of right, since it is for the Returning Officer to do so. In the case at hand there is no whisper that the Returning Officer has done so yet; and am therefore of the firm opinion that the suggestion made by smt.Rekha.C.Nair, must be acceded to.

Therefore, in the above circumstances, I record the afore submissions of Sri.K.K.Paul, made on behalf of respondents 2 to 5; with a consequential direction to the first respondent to offer adequate and effective protection in any manner that the Returning Officer of the election would seek, through an application. This shall be done immediately and without any delay, however, ensuring, even without it, that law and order be maintained in the area continually.