

(2023) 10 KL CK 0087
In the High Court Of Kerala
Case No : Writ Petition (C) No. 33026 Of 2023

George Chacko

APPELLANT

Vs

Kerala State Co Operative Election Commission

RESPONDENT

Date of Decision : 16-10-2023

Acts Referred:

Citation : (2023) 10 KL CK 0087

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : Kavery S Thampi, M.C.John

Final Decision : Disposed Of

Judgement

Sathish Ninan, J.

1. The challenge in this Writ Petition is against the final voters list for election to the 6th respondent Society. The petitioners challenge the inclusion of respondents 8 to 36 in the list of voters alleging that they did not satisfy the requirement of pouring the mandated quantity of milk to be a member. Respondent No.18 has even submitted nomination, though ineligible, it is contended.

2. I have heard the learned counsel on either side.

3. Election is notified to be held on 26.10.2023. As held by the Apex Court in Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra ((2001) 8 SCC 509), preparation of electoral roll is part of the election process and once the process of election is commenced, Courts should be loathe to interfere in the same. The petitioners have an effective remedy by way of an election petition after the election is over. The interests of the petitioners could be adequately safeguarded by directing that the votes polled by respondents 8 to 36 shall be kept in a separate ballot box. The said votes can also be counted for declaration of the results. Needless to say that

the election of the 18th respondent will also be subject to such election petition if any filed challenging the election.

4. No further directions are called for in the Writ Petition.

The Writ Petition is disposed of accordingly.