

(2010) 08 KL CK 0219

In the High Court Of Kerala

Case No : Writ Petition (C) No's. 21427 of 2010 (C) and 23937 of 2010 (N)

Harris Choori, President

APPELLANT

Vs

The State Election Commissioner and Others

RESPONDENT

Date of Decision : 18-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0219

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : V.C. James, for the Appellant; Murali Purushothaman, SC, for the Respondent

Judgement

T.R. Ramachandran Nair, J.—The petitioners are residents of Madhur Grama Panchayat, Kasaragod District. The challenge is against the final order delimiting the wards of the Panchayat. It is pointed out that as far as the draft proposal is concerned, it was not confined to the natural boundaries and there was no proper distribution of the population also and hence objections were filed. It is pointed out that when the final delimitation order was issued, certain mistakes have crept in it, as detailed in the writ petitions.

2. Heard the learned Standing Counsel for the Commission and the additional sixth respondent in W.P.(C). No. 21427/2010 also.

3. The learned Counsel for the petitioners pointed out that as far as Ward Nos. 1 and 2 are concerned, Madhuvahini river is the southern boundary. But, many of the houses included from old Ward No. 19 and 17 are situated beyond the boundary and, therefore, inclusion of those houses is really a mistake. It is therefore, pointed out that the mistakes have been committed when the final notification was published and there was no opportunity for the petitioners to point out the same also.

4. It is also pointed out that in respect of Ward Nos. 2 and 20, the figure representing the population will show that there is more than 10% variation and

no particular difference is stated in the order also. Moreover, the delimitation order shows that the variation is justified on the grounds that the natural boundaries have to be confirmed.

5. If there is any printing mistake or any error which does not call for any adjudication or redetermination in the delimitation order, the same can be corrected u/s 11 of the Panchayat Raj Act. Whether it amounts to an error or not and whether the error if any is liable to be corrected is a matter entirely for the Commission to decide.

6. The learned Standing Counsel for the Commission pointed out that final notification has been published in the Gazette and the same has been published as an Extra Ordinary Gazette on 30/06/2010.

7. If the petitioner files an appropriate representation before the Delimitation Commission pointing out the errors if any, the same will be considered by the Commission expeditiously in accordance with law and Section 11 of the Act.

The writ petitions are disposed of as above. No costs.