

(2023) 12 KL CK 0132
In the High Court Of Kerala
Case No : Writ Petition (C) No. 41891 Of 2023

Janardhanan.A

APPELLANT

Vs

Muthalamada Service Co Operative Bank Limited No. F.1197

RESPONDENT

Date of Decision : 14-12-2023

Acts Referred:

Citation : (2023) 12 KL CK 0132

Hon'ble Judges : Basant Balaji, J

Bench : Single Bench

Advocate : P.Ramakrishnan, Preethi Ramakrishnan, C.Anil Kumar, Asha K.Shenoy, Pratap Abraham Varghese, Gokul Krishna, Sreejith V.S.

Final Decision : Disposed Of

Judgement

Basant Balaji, J

1. The petitioners are the contesting candidates for the election to the Managing Committee of Muthalamada Service Co-operative Bank Limited No.F.1197. The election is scheduled to take place on 17.12.2023 at Government High School, Muthalamada. Ext.P1 is the notification issued by the Election Commission. Ext.P2 is the notice with the names of the candidates.

2. The petitioners have approached this court seeking the following prayers:

a. Issue a writ of mandamus or other appropriate writ or order, directing the 3rd respondent to provide adequate and effective protection necessary for the smooth conduct of the polling proposed to be held in connection with election to the committee of the 1st respondent society and the counting of votes held thereafter, at Government High School, Muthalamada, on 17/12/2023.

b) Issue a writ of mandamus or other appropriate writ or order directing the 3rd respondent to take immediate action on Exhibit P-3.

c) issue such other writ, order or direction as are deemed just and proper on the facts and circumstances of the case.

d) to dispense with filing of the translation of vernacular documents.

3. The counsel for the petitioners submits that on 02.12.2023 and 08.12.2023, the petitioners were threatened by a group of supporting rival candidates. It is in the said circumstance that the petitioner submitted Ext.P3 representation seeking police protection for the smooth conduct of the election. The counsel for the petitioners also submits that it is just and necessary to direct the Election Commission to take immediate action to ensure the free and fair election process on 17.12.2023.

4. Heard counsel on both sides.

5. Learned Government Pleader on instructions submits that sufficient police will be deployed for the smooth conduct of the election to be scheduled on 17.12.2023 to the Managing Committee of Muthalamada Service Co-operative Bank Limited No.F.1197.

Taking note of the averments in the writ petition and the facts of the case, the writ petition is disposed of directing respondents 2 and 3 to deploy sufficient police force and to afford adequate police protection to the voters, the polling booths, and its premises during the day of polling to the Managing Committee of Muthalamada Service Co-operative Bank Limited No.F.1197 held at Government High School, Muthalamada, till the declaration of results.

The writ petition is disposed of.