

(2010) 09 KL CK 0116

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27322 of 2010 (M)

Joy Joseph and M. Aboobacker

APPELLANT

Vs

The Secretary, The District Collector and The State Election
Commission

RESPONDENT

Date of Decision : 03-09-2010

Acts Referred:

Kerala Panchayat Raj (Registration of Electors) Rules, 1994 — Rule 25
Kerala Panchayat Raj Act, 1994 — Section 23

Citation : (2010) 09 KL CK 0116

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

Bench : Single Bench

Advocate : T.R. Ravi, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

P.N. Ravindran, J

1. The petitioners, who are residents of Ward No. 9 and Ward No. 16 respectively of West-Eleri Grama Panchayat, have filed this writ petition seeking a direction to the 3rd respondent to consider Exts.P12 and P13 representations wherein they have requested for deletion of the names of a large number of voters from the voters" list on the ground that their names appear elsewhere in the electoral roll.

2. Section 23 of the Kerala Panchayat Raj Act read with the provisions contained in Rule 25 of the Kerala Panchayat Raj (Registration of Electors) Rules, 1994 make it evident that where the name of a person has been improperly included in an electoral roll, an application for deletion of the name of that voter from the electoral roll in Form No. 8 has to be submitted by an elector of the Constituency, whose name appears in the electoral roll, to the Electoral Registration Officer of the Panchayat concerned. The reasons for the deletion of the name of the voter from the electoral roll have to be separately given. Thereafter the Electoral Registration Officer has to publish the application, invite objections, consider the objections and take an appropriate decision in the matter. In other words, in the

case of inclusion of the name of a voter by mistake in the electoral roll, the remedy of another elector of the constituency is to submit an application seeking deletion of that entry and that the law requires that the application shall be published, objections invited and a decision taken. What the petitioners seek is a direction to the third respondent to consider the representations submitted by them evidenced by Exts.P12 and P13. The third respondent is not the Electoral Registration Officer of West Eleri Grama Panchayat. The Secretary of the said Panchayat is the Electoral Registration Officer. For that reason also, the relief prayed for by the petitioners cannot be granted. The remedy of the petitioners, if any, is to submit individual applications seeking deletion of the names of voters, who according to them are ineligible to be included in the voters' list or whose names are duplicated in different portions of the electoral roll. In such circumstances I am not inclined to entertain the writ petition or grant the reliefs prayed for.

The writ petition fails and is accordingly dismissed without prejudice to the petitioners' right to move the Electoral Registration Officer in the manner prescribed in Rule 25 of the Kerala Panchayat Raj (Registration of Electors) Rules, 1994.