

(2010) 07 KL CK 0104

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19933 of 2010 (N)

P. Mohammed @ Manu

APPELLANT

Vs

State Delimitation Commission, The District Collector and
Shoranur Municipality

RESPONDENT

Date of Decision : 07-07-2010

Acts Referred:

Citation : (2010) 07 KL CK 0104

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

Bench : Single Bench

**Advocate : T.D. Rajalakshmi, for the Appellant; Murali Purushothaman, SC,
Delimitatio, for the Respondent**

Final Decision : Dismissed

Judgement

T.R. Ramachandran Nair, J.—The petitioner who is the Councillor of Ward No. 30 of the 3rd respondent Municipality has filed this writ petition seeking to quash the proceedings, Exhibit P4, delimiting the wards of the Municipality. Exhibit P1 is the report submitted by the 3rd respondent along with sketch. Exhibit P2 is the copy of the objection submitted by the petitioner.

2. Mainly it is contended that the order was passed without considering any of the objections. The main ground taken in the writ petition is that without considering the objections, proceedings have been finalised by the Delimitation Commission.

3. As directed by this Court, the 1st respondent has filed a statement with regard to the specific objections raised by the petitioner. Explanations have been given from paragraph 8 onwards. It is pointed out that the objections raised by the petitioner were enquired through the Deputy Director of Agriculture and in the enquiry report it is stated that if the demand/proposal put in by the petitioner is considered there will be change in the assessed population in Ward No. II and in Ward No. III and it will go against the norms fixed by the Commission.

Therefore, the proposal made by the petitioner was declined. It is further pointed out that if the proposal of the petitioner is considered, the average residential buildings in Ward No. II will be reduced to 311 resulting a minus of 12.88% of average population and thereby the average residential buildings in Ward No. III will raise to 435 from that of 356 resulting to 21.84% above on the average population which is against the norms and guidelines issued by the Commission. Details have been furnished with respect to other objections raised by the petitioner also.

4. The statement further shows that 17 objections were received and all the objections were enquired through the Deputy Director of Agriculture and the objectors who were present were personally heard by the Commission on 18.03.2010 and only after having considered all the facts and circumstances of the objections, Exhibit P4 order was passed.

5. In the light of the above, the contention that the objections were never considered cannot be accepted. It is settled law that the proposals if any made by the objectors cannot be the basis of a fresh or revised draft proposal and all what is required is an exercise by the Delimitation Commission by considering the objections to find out whether there is any violation of the guidelines or statutory prescriptions. Going by the averments in the statement, all those conditions have been scrupulously followed by the Commission.

In that view of the matter, there is no infirmity in Exhibit P4. Therefore, this writ petition is dismissed.