

(2021) 01 KL CK 0017

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27028 Of 2020

Shaji P.K

APPELLANT

Vs

District Police Chief And Ors

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 01 KL CK 0017

Hon'ble Judges : Anil K. Narendran, J

Bench : Single Bench

Advocate : C.Y. Vinod Kumar, C. Anilkumar, A.C. Vidya, Saidalikutty, Esm. Kabeer, Babu Karukapadath, M.A. Vaheeda Babu, E.M. Abdul Khader, Arya Raghunath, Vaisakhi V, T.M. Muhammed Musthaq, Unais K.P, P.A. Abdul Jabbar

Final Decision : Disposed Of

Judgement

1. The petitioner, who is a member of the 4th respondent Jama-ath, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the 2nd respondent to grant adequate and sufficient police protection to conduct election to the Administrative Committee of the 4th respondent Jama-ath without any threat, interference or obstruction by the 6th respondent and his men. The petitioner has also sought for a writ of mandamus commanding the 2nd respondent to grant adequate and sufficient police protection to the life of the Returning Officer to conduct election, without any threat, interference or obstruction by the 6th respondent and his men.

2. On 07.12.2020, when this writ petition came up for admission, this Court issued notice before admission to the respondents. The learned Government Pleader took notice for respondents 1 and 2. The learned Standing Counsel took notice for the 3rd respondent. Urgent notice by special messenger was ordered to respondents 4 to 6.

3. On 22.12.2020, when this writ petition came up for consideration, this Court

passed the following order;

"I have heard Sri.C.Y.Vinod Kumar, the learned counsel appearing for the petitioner, Sri.T.K.Saidalikutty, the learned Standing Counsel appearing for the 3rd respondent, Sri.E.S.M.Kabeer, the learned Counsel appearing for the 4th respondent Jama-ath, Sri.E.M.Abdul Khader, the learned counsel appearing for the 5th respondent and Sri.P.Abdul Jabbar, the learned counsel appearing for the 6th respondent.

2. It is submitted by the 5th respondent that he is the Returning Officer and he has already issued notice for the conduct of election on 27.12.2020. He would refer to Ext.P1 judgment of this Court and it is pointed out that this Court had observed that this is a fit case where the Wakf Board should supervise the election.

3. The counsel appearing for the 3rd respondent Board submits that the Waqf Board will be appointing an observer on 27.12.2020 to supervise the election.

In that view of the matter, as an interim measure, to ensure free and fair election, I direct respondents 1 and 2 to afford adequate protection to facilitate the conduct of the election to the Administrative Committee of the 4th respondent Jama-ath without any threat or obstruction from any quarters."

4. Today, when this writ petition was taken up for consideration, it is submitted by the learned counsel for the petitioner that the election to the Administrative Committee of the 4th respondent Jama-ath was conducted on 27.12.2020, on the strength of the interim order dated 22.12.2020.

In such circumstances, recording the fact that the election to the Administrative Committee of the 4th respondent Jama-ath has already been conducted on 27.12.2020, on the strength of the interim order dated 22.12.2020, this writ petition is disposed of.