
T.P. Abdul Muthalib Vs The Secretary, Padne Grama Panchayath and Others

Writ Petition (C) No. 20774 of 2010 (V)

Court: High Court Of Kerala

Date of Decision: Aug. 18, 2010

Acts Referred:

Constitution of India, 1950 – Article 243O

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

Bench: Single Bench

Advocate: T.R. Ravi, for the Appellant; Murali Purushothaman, SC, for the Respondent

Judgement

T.R. Ramachandran Nair, J.

These writ petitions concern the challenge against delimitation of Pallikkara, Padanna and Uduma Grama Panchayats.

2. Heard the learned Counsel for the petitioners and the learned Standing Counsel for the Commission.

3. Mainly the complaints are related to the variation in number of houses of different wards, if they are reckoned along with the assessment

registers. In W.P.(C). No. 21729/2010, the petitioner has produced Ext.P3, a table showing the same with reference to the final order delimiting

the wards. In W.P.(C). No. 22174/2010, the same is Ext.P4 and in W.P.(C). No. 20774/2010 the petitioner has detailed in paragraph (5) the

discrepancies.

4. It is contended that when the number of buildings as per the final order along with the number of houses reflected in the said order are taken,

there are certain discrepancies, which on a reference to the proceedings itself will be evident. It is therefore submitted that the same is a matter for

consideration by the Commission u/s 11 of the Panchayat Raj Act. It is pointed out that if those discrepancies remain then the real voters

representing those houses may not be able to cast their vote in the election.

5. The learned Standing Counsel for the Commission submitted that the final order delimiting the wards has been published by way of a notification

in the Gazette and this Court cannot go into the validity of the same under Article 243-O(a) of the Constitution of India.

6. Evidently, Section 11 of the Panchayat Raj Act is for correction or errors if any in the proceedings. Section 11 provides that ""the State Election

Commission or an officer authorised by it or the Delimitation Commission may, from time to time, correct any printing mistake in any order made

u/s 10 or any error therein arising from an inadvertent slip or omission"". Whether the defects pointed out by the petitioners will come within the

scope of the said provision is a matter for the Commission to consider. Therefore, without going into the merits of the contentions raised in writ

petitions, they are disposed of with the following directions.

7. The petitioners may file appropriate representations before the Delimitation Commission detailing any errors in the delimitation order within one

week from today and if so, the same will be considered by the Commission in exercise of the power u/s 11 to find whether delimitation order

suffered from any error or omissions which can be corrected u/s 11.

No costs.