

Kerala High Court

A.Kunju Mytheen vs Sidharthan Neelakantan on 25 June, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

RP.No. 476 of 2009()

1. A.KUNJU MYTHEEN, AGED 53 YEARS,
... Petitioner

Vs

1. SIDHARTHAN NEELAKANTAN,
... Respondent

For Petitioner :SRI.K.JAYAKUMAR

For Respondent : No Appearance

The Hon'ble MR. Justice HARUN-UL-RASHID

Dated :25/06/2009

O R D E R

HARUN-UL-RASHID, J.

R.P.NO.476 OF 2009 IN
C.R.P.NO.78 OF 2007

DATED THIS THE 25TH DAY OF JUNE, 2009

O R D E R

Petitioner is the respondent in C.R.P.No.78/2009. The C.R.P. was heard and disposed of by this Court confirming the order passed by the Munsiff's Court, Punalur in a petition filed by the defeated candidate for declaration of the election of the returned candidate as void. This Court on a detailed consideration of the matter and after following the decisions referred to in the order of the CRP, confirmed the findings of the trial court that the returned candidate is a disqualified candidate and held that he is disqualified from contesting the election. The judgment of the Appellate Court was set aside and the order of the Munsiff's Court was restored.

2. The defeated candidate challenged the election contending that the respondent is a disqualified candidate and R.P.No.476/2009 therefore he is disqualified from acting as a member of the Panchayat under Sections 34(1)(j) and 35(1)(j) of the Kerala Panchayat Raj Act.

3. This Court examined the contentions of the returned candidate and also the entire evidence on record. This Court also considered the scope and ambit of Sections 34(1)(j), 35(1)(j), 52 (1A), 102(a)(b) and 103(b) of the Kerala Panchayat Raj Act and concluded that this is a case where Section 34(1)(j) is attracted. Therefore, the candidate is disqualified for being chosen as a member of the Panchayat and held that the election of the respondent is illegal for violation of Section 52(1A) of the Act.

4. The contentions raised by the review petitioner are the contentions raised in the CRP and the contentions were considered by this Court and an order was passed deciding the issues. The entire contentions raised in the CRP are re-agitated in this review petition. No grounds are made out by the R.P.No.476/2009 petitioner for reviewing the order passed by this Court.

Review Petition fails and it is accordingly dismissed.

HARUN-UL-RASHID, Judge.

kcv.