

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM

PRESENT: SHRI. A. SHAJAHAN,  
STATE ELECTION COMMISSIONER

Tuesday, the 16<sup>th</sup> day of April, 2024

O.P. No. 15 of 2022

**Petitioner**

: Sulfikar,  
S/o. Subair,  
Valiyaparambil House,  
Alappuza - 688 004

(Member, Ward No.12,  
Punnappa South Grama Panchayat)

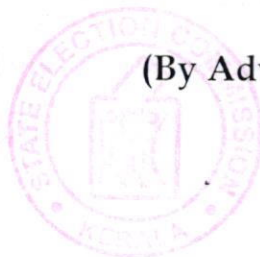
(By Adv. S. Shanavas Khan)

**Respondent**

: Punnappa South Grama Panchayat  
Punnappa P.O.  
Alappuzha - 688 004  
Represented by its Secretary

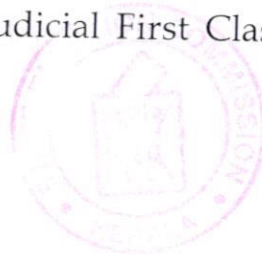
: Secretary,  
Punnappa South Grama Panchayat

(By Adv. Cyril Joseph)



ORDER

1. This petition is filed on 07.07.2022 under 36(1) of the Kerala Panchayat Raj Act, 1994 *inter alia* prying for the reliefs of setting aside Ext. P4, Ext. P8 and Ext. P9 and to restore the membership of petitioner as an elected member of ward No. XII of Punnappra South Grama Panchayat. Ext.P4 is the intimation dated 27.04.2022 issued by the Secretary, Punnappra South Grama Panchayat under section 37(2) of Kerala Panchayat Raj Act. The panchayat Committee as per resolution No.1 (1) dated 30.05.2022 has taken a decision not to restore the membership of petitioner. Ext. P8 is the communication regarding the decision to the petitioner. Ext P 9 is the resolution No.1 (1) dated 30.05.2022 of the panchayat committee.
2. Petitioner's case is that he is the elected member of ward No.12 of Punnappra South Grama Panchayat. While so petitioner could not attend the meetings of the panchayat committee from 01.01.2022 onwards. Therefore he filed Ext.A1 leave application dated 04.02.2022 for seeking leave for 3 months. Thereafter petitioner was arrested on 02.03.2022 in connection with crime No. 897/2021 of Alappuzha Police Station registered against him under the various provisions of Arms Act and IPC, including section 302 of IPC. His arrest was also recorded in Crime No. 1379/2021 registered by Punnappra South Police Station. While he was in judicial custody he filed a petition before the Hon'ble Judicial First Class Magistrate



Court-I for allowing escort parole to attend the meeting of Grama Panchayat on 07.04.2022. The said petition was dismissed by the Hon'ble Judicial First Class Magistrate Court as per Ext.A3 order dated 06.04.2022. Meanwhile Ext A1 leave application submitted by him was rejected by panchayat committee as per decision dated 07.03.2022. While so, petitioner received Ext A4 intimation dated 27.04.2022 from the respondent, who is the Secretary of Punnappa South Grama Panchayat stating that the petitioner was disqualified to continue as member of Punnappa South Grama Panchayat as he failed to attend the consecutive meetings of panchayat committee and meeting of standing committee from 01.01.2022 onwards. Petitioner as per Ext. A5 dated 01.05.2022 submitted an explanation to Ext.A4 intimation stating that he is in judicial custody for the last 60 days. Thereafter petitioner filed Ext.A6 a petition dated 11.05.2022 for restoring his membership in the panchayat committee. Panchayat Committee as per Ext.A9 resolution dated 30.05.2022 declined his request and it was communicated to the petitioner as per Ext.A8.

3. The grounds urged by the petitioner for the reliefs are that petitioner submitted proper leave application prior to the first meeting, which is legally permissible and should have been considered by the respondent panchayat committee. In so far as second and third meetings are concerned, petitioner was prevented from attending the meeting as he was in jail. Though he attempted to attend the

