

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.**

Tuesday, the 7th day of April 2026 / 17th Chaithra, 1948
WP(C) NO. 14202 OF 2026(S)

PETITIONER:

HIGH COURT OF KERALA, REPRESENTED BY ITS REGISTRAR GENERAL,
MARINE DRIVE, ERNAKULAM, PIN - 682 031.

RESPONDENTS:

1. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY ITS SECRETARY, NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI, PIN - 110 001.
2. THE CHIEF ELECTORAL OFFICER, KERALA, ELECTION DEPARTMENT, KERALA LEGISLATIVE COMPLEX, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695 033.
3. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. THE PRINCIPAL SECRETARY, GENERAL ADMINISTRATION (CO-ORDINATION) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
5. THE ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
6. THE SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
7. THE CHIEF ENGINEER (BUILDINGS), PUBLIC WORKS DEPARTMENT, PUBLIC OFFICE COMPLEX, MUSEUM P.O., THIRUVANANTHAPURAM, PIN - 695 033.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

1. stay the operation and effect of Exhibit P2 to the extent it requires the petitioner to route its proposal through the Screening Committee, pending disposal of the writ petition.

2. direct the 2nd Respondent to forthwith grant provisional permission/clearance to the petitioner to proceed with the execution of the Civil, Electrical and Electronics works proposed in Exhibit P1, without insisting on compliance with the procedure of the Screening Committee, so as to enable execution during the Summer Vacation commencing from 11.04.2026, pending disposal of the writ petition.

P.T.O.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and the court passed the following:

P.T.O.



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WP(C) No.14202 of 2026

TUESDAY, THE 7TH DAY OF APRIL 2026

WP(C) No. 14202 of 2026

HIGH COURT OF KERALA

VS

THE ELECTION COMMISSION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SHRI .LEO LUKOSE

ADVS FOR RESPONDENT/S:



WP(C) No.14202 of 2026

C.R.

SOUMEN SEN, C.J.

&

SYAM KUMAR V.M., J.

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WP(C) No.14202 of 2026

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Dated this the 7th day of April 2026

Appearance:

For the Petitioner

Mr.Leo Lukose

For the Respondent



: Ms. Vinitha B.,
Senior Government Pleader
for respondents 3 to 7
Mr..M.Ajay, for R1 and R2

ORDER

Soumen Sen, C.J.

This W.P(PIL) has been filed by the Registrar General on behalf of the High Court of Kerala. It relates to the infrastructure of the High Court and other Courts in the State.

2. In view of the enforcement of the Model Code of Conduct, the Registrar General of the High Court of Kerala

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addressed a letter dated 21.03.2026 to the 2nd respondent namely the Chief Electoral Officer to make a request for grant of necessary exemptions from the provisions of the MCC to enable the Department to proceed with the execution of the works that are essential and urgent in nature mentioned in the said communication. The request was confined strictly to works of an internal and infrastructural nature within the High Court premises and did not involve any policy decision, public announcement, financial disbursement or activity having any nexus with or bearing upon the electoral process. However, the 2nd respondent by letter dated 2nd April 2026 informed the Registrar General that the proposal requires prior clearance from the Election Commission of India, and directed that such proposals should be routed through the Screening Committee constituted by the Government of Kerala.

3. We have heard the learned Senior Standing Counsel for the Election Commission of India. He submits that in view of Clause 'C', under instructions Serial No.17, the provisions of

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Model Code of Conduct may apply. Our attention is also drawn to Clause 5(1) under the Welfare Schemes and Governmental Works which stipulates that no work shall start in respect of which even if work orders have been issued before the Model Code came into effect, if the work has actually not started in the field.

4. Learned Government Pleader appearing for the State has drawn our attention to Clause 15 of the Model Code of Conduct and the same reads as follows:

“The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission.

- a. Full funding has been tied up.
- b. Administrative, technical and financial sanctions have been obtained
- c. Tender has been floated, evaluated and awarded and
- d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
- e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.”

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5. The learned Counsel for the High Court has submitted that details and operational aspects of the Screening Committee were not communicated to the petitioner in a timely manner by the office of the 2nd Respondent and were made available only after a considerable lapse of time, thereby contributing to further delay in processing the request submitted by the Petitioner. The execution of the proposed works involves multiple stages including administrative sanction, tendering, award of contract, mobilisation of resources and actual execution. Each of these stages requires sufficient lead time, and any delay at the initial stage of approval would render the entire exercise impracticable within the limited duration of the Summer Vacation. It is further submitted that failure to execute the said works during the Summer Vacation would necessarily result in the same being carried out during working days, thereby causing disruption to court proceedings, inconvenience to litigants, advocates and staff, and adversely affecting the administration of justice. The application of the

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Model Code of Conduct to such essential judicial infrastructure works, in a rigid and mechanical manner, is likely to defeat the very object of the MCC and results in unwarranted interference with the functioning of a constitutional institution.

6. There cannot be any doubt that the communication dated 21 March 2026 was not immediately attended to by the Chief Electoral Officer and that the communication was received belatedly and perilously close to the summer vacation. The works are urgent and essential. Unless the works commence immediately, it would completely disrupt the functioning of the Court.

7. On a request being made by the learned Senior Counsel for the Election Commission, we adjourn this matter to 10th of April 2026.

8. We direct the Chief Electoral Officer to immediately forward and place the letter of the Registrar General before the Screening Committee and the entire process contemplated in the Order No.G.O(RT) 1331/2026/GAD

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dated 16.03.2026 issued by the General Administration (CO-Ordination) Department read with the Clause 6 & 7 of the Circular No. No.Cdn.1/17/2026/GAD dated 16-03-2026 are to be completed urgently and placed before this Court on 10.04.2026. The matter shall be listed on 10.04.2026 along with the report being filed by the 2nd and 3rd respondents. Respondent No.6 shall take necessary steps and co-ordinate with the Election Commission by furnishing the information that may be required for taking a decision by the Election Commission in this regard, in view of the fact that the matter is urgent and the summer vacation of Court will commence on and from 11th of April 2026 and during this period, the internal works described in letter dated 21-03-2026 at Ext.P1 are required to be completed.

List this case on 10 April 2026.

Sd/-

**SOUMEN SEN,
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.,
JUDGE**

Nsd

APPENDIX OF WP(C) 14202/2026

Exhibit P1

TRUE COPY OF THE LETTER NO. HCKL/1101/2026-J(B)-HC KERALA DATED 21.03.2026 ISSUED BY THE THE REGISTRAR GENERAL TO THE 2ND RESPONDENT

Exhibit P2

TRUE COPY OF THE BYLETTER NO.MM1/100/2026-ELEC DATED 02.04.2026 ISSUED BY THE 2ND RESPONDENT TO THE REGISTRAR GENERAL

