

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

&

THE HONOURABLE MR. JUSTICE C.S.DIAS

TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943

WP(C).No.10141 OF 2021(S)

PETITIONER/S:

A.K.SREEKUMAR  
AGED 43 YEARS  
S/O. KARUNAKARAN NAIR, THIRD EYE, NEWS LIVE,  
KANDATHIL TOURIST HOME COMPLEX, SASTRI ROAD,  
KOTTAYAM - 686002.

BY ADVS.  
SRI.K.RAJESH KANNAN  
SRI.M.RAMASWAMY PILLAI

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT  
KERALA, THIRUVANANTHAPURAM - 695 001.
- 2 DIRECTOR GENERAL OF POLICE  
KERALA STATE POLICE HEADQUARTERS, VAZHUTHACAUD P.  
O., THIRUVANANTHAPURAM - 695 010.
- 3 ELECTION COMMISSION OF INDIA  
REPRESENTED BY ITS SECRETARY GENERAL, NIRVACHAN  
SADAN, ASHOKA ROAD, NEW DELHI - 110 001.
- 4 THE CHIEF ELECTORAL OFFICER  
KERALA VIKAS BHAVAN, LEGISLATURE COMPLEX,  
THIRUVANANTHAPURAM - 695 033.

R3-4 BY ADV. SRI.S.SREEKUMAR (SR.)  
R3-4 BY ADV. SHRI.DEEPULAL MOHAN, SC, ELECTION  
COMMISSION OF INDIA

OTHER PRESENT:

SRI DEEPU LAL MOHAN -SC ELECTION COMMISSIONSRI S  
SREEKUMAR,SRI P RAJASEKHARAN NAIR-SR PP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27.04.2021, ALONG WITH WP(C).9950/2021(S), WP(C).10280/2021(S),  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

&

THE HONOURABLE MR. JUSTICE C.S.DIAS

TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943

WP(C).No.9950 OF 2021(S)

PETITIONER/S:

- 1 VINOD MATHEW WILSON  
AGED 36 YEARS  
S/O.V.G. WILSON, VAZHAYIL, NEDIYARA, ANCHAL, KOLLAM  
691 306
  
- 2 LAW AID  
REG. NO.424/1985 UNDER TRANVANCORE COCHIN  
CHARITABLE AND ENDOWMENT SOCIETIES ACT, OFFICE OF  
LAW LINK, GANGA COMPLEX, EAST OF CIVIL STATION,  
KOLLAM 691 013 REP. BY ITS JOINT SECRETARY VINOD  
MATHEW WILSON, AGED 36 YEARS, S/O.V.G.WILSON,  
VAZHAYIL, NEDIYARA ANCHAL, KOLLAM 691 306  
  
BY ADVS.  
SRI.R.SIVADASAN  
SHRI.N.SASANKAN PILLAI

RESPONDENT/S:

- 1 STATE OF KERALA  
REP. BY CHIEF SECRETARY, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM 695 001
  
- 2 DIRECTOR GENERAL OF POLICE  
(STATE POLICE CHIEF), KERALA STATE POLICE  
HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM 695

010.

3 ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN, ASHOKA ROAD,  
NEW DELHI 110001

IS IMPEADED AS ADDITIONAL RESPONDENT NO.3 AS PER  
ORDER DATED 16/04/2021 IN WPC

R1-2 BY GOVERNMENT PLEADER  
R3 BY ADV. SHRI.DEEPULAL MOHAN, SC, ELECTION  
COMMISSION OF INDIA  
R3 BY ADV. SRI.S.SREEKUMAR (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27.04.2021, ALONG WITH WP(C).10141/2021(S), WP(C).10280/2021(S),  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

&

THE HONOURABLE MR. JUSTICE C.S.DIAS

TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943

WP(C).No.10280 OF 2021(S)

PETITIONER/S:

DR.S.GANAPATHY  
AGED 73 YEARS  
S/O.LATE ADVOCATE K.SADANANDAN, ANJALI, MARUTHADI  
P.O, KOLLAM - 691003.

BY ADVS.  
SRI.R.RENJITH  
SRI.M.T.SURESHKUMAR  
SMT.SREELAKSHMI SABU

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM -695001.
- 2 THE SECRETARY,  
DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM - 695001.
- 3 THE DIRECTOR GENERAL OF POLICE,  
(POLICE CHIEF), POLICE HEAD QUARTERS,  
THIRUVANANTHAPURAM, PIN - 605004.
- 4 ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI, PIN -

110001, REPRESENTED BY ITS SECRETARY.

R4 BY ADV. SRI.DEEPULAL MOHAN

R4 BY ADV. SRI.S.SREEKUMAR (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27.04.2021, ALONG WITH WP(C).9950/2021(S), WP(C).10141/2021(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

[ WP (C) .10141/2021, WP (C) .9950/2021,  
WP (C) .10280/2021 ]

Dated this the 27th day of April 2021

Ashok Menon, J.

The writ petitions are filed mainly with the same intention and purpose, i.e. to issue a writ of mandamus or a writ, order or directions against the respondents/State to ensure that all kinds of precautions are taken in connection with the pandemic situation during the declaration of results following the counting of votes.

2. In WP(C) No.9950/2021, the petitioners have also requested for a declaration of lock-down from the midnight of

1.5.2021 to the midnight of 2.5.2021 while the counting of the votes consequent to the election is to take place. The learned State Attorney has submitted the orders of the Government of Kerala which was issued on 26.4.2021 after an all-party meeting and on consultation with other Government authorities. We have gone through the said order in detail. There is also an order of the Election Commission of India dated 27.4.2021 which is specific with regard to the aspects such as victory procession, counting of votes etc. We have gone through both these orders in great detail and after having bestowed our anxious consideration to the orders of the Government of Kerala as also the Election Commission of India, we find that there is nothing to be added on as further



directions. All necessary precautions have been taken by the Government and the Election Commission to curtail and contain the pandemic situation in view of the counting of votes, consequent to the election.

3. The learned Counsel appearing for the petitioners have also submitted that necessary actions should be taken against the defaulters. Regarding that we find that no specific order is required from this Court. The Government is at liberty to invoke the provisions of the Kerala Epidemic Diseases Ordinance, 2020 and take necessary action against the violators, and we are sure that the Government would be vigilant in implementing the available provisions.

With these observations, the writ petitions are disposed  
of.

**Sd/-**

**ASHOK MENON**

**JUDGE**

**Sd/-**

**C . S . DIAS**

**JUDGE**

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## APPENDIX OF WP (C) 10141/2021

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1                      TRUE COPY OF THE ORDER DATED 18.12.2020 IN  
SUO MOTU WRIT PETITION (CIVIL) NO.7/2020 ON  
THE FILE OF THE HON'BLE SUPREME COURT.
- EXHIBIT P2                      TRUE COPY OF THE REPORT PUBLISHED IN THE  
HINDU DAILY DATED 18.04.2021, KOCHI  
EDITION.

### RESPONDENT'S EXHIBITS

ANNEXURE R3(a) :      COPY OF BROAD GUIDELINES FOR CONDUCT OF  
GENERAL ELECTIONS/BYE ELECTIONS DURING COVID-19 ISSUED BY THE  
ELECTION COMMISSION OF INDIA.

ANNEXURE-R3(b) : COPY OF LETTER NO.4/2021/SDR/Vol.I DATED  
9.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA TO ALL  
RECOGNIZED NATIONAL/STATE POLITICAL PARTIES.

ANNEXURE-R3(c) : COPY OF PROCEEDINGS NO.464/INST/2021/EPS DATED  
27.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA.

## APPENDIX OF WP (C) 9950/2021

### PETITIONER'S/S EXHIBITS:

EXHIBIT P1                                    TRUE COPY OF REGISTRATION CERTIFICATE OF  
LAW AID DATED 20/5/1985 WITH ENGLISH  
TRANSLATION.

EXHIBIT P2                                    TRUE COPY OF NEWS ITEM APPEARED IN THE NEW  
INDIAN EXPRESS DAILY DATED 8/4/2021

### RESPONDENT'S EXHIBITS

ANNEXURE R3(a) :     COPY OF BROAD GUIDELINES FOR CONDUCT OF  
GENERAL ELECTIONS/BYE ELECTIONS DURING COVID-19 ISSUED BY THE  
ELECTION COMMISSION OF INDIA.

ANNEXURE-R3(b) : COPY OF LETTER NO.4/2021/SDR/Vo1.I DATED  
9.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA TO ALL  
RECOGNIZED NATIONAL/STATE POLITICAL PARTIES.

ANNEXURE-R3(c) : COPY OF PROCEEDINGS NO.464/INST/2021/EPS DATED  
27.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA.

## APPENDIX OF WP (C) 10280/2021

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1                      TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED 20.04.2021 SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS 1 TO 3.
- EXHIBIT P2                      TRUE PHOTOSTAT COPY OF THE POSTAL RECEIPT DATED 21.04.2021, EVIDENCE DISPATCH OF EXHIBIT P1.
- EXHIBIT P3                      TRUE PHOTOSTAT COPY OF THE KERALA EPIDEMIC DISEASES ORDINANCE (ORDINANCE 18/2020) PUBLISHED IN KERALA GAZETTE DATED 27.03.2020.

### RESPONDENT'S EXHIBITS

ANNEXURE R4 (a) :      COPY OF BROAD GUIDELINES FOR CONDUCT OF GENERAL ELECTIONS/BYE ELECTIONS DURING COVID-19 ISSUED BY THE ELECTION COMMISSION OF INDIA.

ANNEXURE-R4 (b) : COPY OF LETTER NO.4/2021/SDR/Vol.I DATED 9.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA TO ALL RECOGNIZED NATIONAL/STATE POLITICAL PARTIES.

ANNEXURE-R4 (c) : COPY OF PROCEEDINGS NO.464/INST/2021/EPS DATED 27.4.2021 ISSUED BY THE ELECTION COMMISSION OF INDIA.