

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

Tuesday, the 21st day of January 2020/1st Magha, 1941

WP(C)No.1607/2020(A)

PETITIONER

K. SHREEKANTH,  
S/O. LATE VASUDEVA ARALITHIYA, AGED 43 YEARS, WARD MEMBER, DIVISION 3  
EDANEER, KASARAGOD DISTRICT PANCHAYAT, RESIDING AT SHIVA PRASAD  
NILAYAM, THRIKKANNAD, BEKAL P.O., HOSDURG, KASARAGOD DISTRICT, PIN - 671  
318.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO THE GOVERNMENT, DEPARTMENT  
OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM P.  
O., PIN - 695 001.
2. THE DISTRICT PACHAYATH  
KASARAGOD, REPRESENTED BY ITS SECRETARY, DISTRICT PANCHAYATH OFFICE,  
VIDYA NAGAR P. O., KASARAGOD DISTRICT, PIN - 671 123.
3. THE PRESIDENT  
DISTRICT PANCHAYATH - KASARAGOD, DISTRICT PANCHAYATH OFFICE, VIDYA NAGAR  
P. O., KASARAGOD DISTRICT, PIN - 671 123.
4. SMT.FAREEDA SAKIR AHAMED  
CHAIRPERSON, STANDING COMMITTEE FOR PUBLIC WORKS, DISTRICT PANCHAYATH -  
KASARAGOD, DISTRICT PANCHAYATH OFFICE, VIDYA NAGAR P. O., KASARAGOD  
DISTRICT, PIN - 671 123.

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 stay all further proceedings in pursuant to Exhibit P1 notice.

This petition coming on for orders upon perusing the petition and the  
affidavit filed in support of WP(C) and upon hearing the arguments of  
M/S.SAJITH KUMAR V. & A.V.VIVEK, Advocates for the petitioner, and of  
GOVERNMENT PLEADER for R1, the court passed the following:

P.T.O

TRC/21-01-2020

**RAJA VIJAYARAGHAVAN V., J.**

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**W.P.(C) No. 1607 of 2020**  
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Dated this the 21<sup>st</sup> day of January, 2020

**ORDER**

The learned Government Pleader takes notice for the 1<sup>st</sup> respondent. Issue urgent notice by speed post to respondents 2 to 4.

2. Sri.V.Sajith Kumar, the learned counsel appearing for the petitioner contends that the proposing of a resolution incorporated in the agenda of the meeting scheduled to be held on 23.01.2020 is clearly violative of the Kerala Panchayat Raj (Procedure for Panchayat Meeting) Rules, 1995. The proposed resolution relates to a matter under adjudication before the highest court of the land and if that be the case, it is against clause (f) of Rule 13(4) of the Rules. He would further contend that it would cause prejudice to the petitioner who is an elected member of the panchayat as Section 193 of the Act enables the appropriate government to dissolve the Panchayat in appropriate cases and the petitioner fears that violation of Rule 13(4) is one such instance.

3. Having considered the submissions advanced I am of the

W.P.(C) No.1607 of 2020

2

view that the petitioner has made out a case for issuance of an interim order.

There will be an interim order as prayed for, for a period of three weeks,

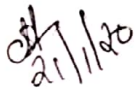
Post after three weeks.

Sd/-RAJA VIJAYARAGHAVAN V, JUDGE

/True copy/

  
Assistant Registrar

PKK

  
21/1/20

WP(C)No.1607/2020(A)

EXHIBIT P1 - A TRUE COPY OF THE NOTICE DATED 15.1.2020 ALONG WITH ITS  
TRANSLATION.

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