

**BEFORE THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM**

**PRESENT: SHRI. A. SHAJAHAN,
STATE ELECTION COMMISSIONER**

Thursday, the 22nd day of February, 2024

O.P. No. 28 of 2021

Petitioner

: R. Krishnakumar
S/o. M.N. Raveendran Nair,
Mullappone House,
Ezhumattoor P.O.,
Pathanamthitta - 689 586

(Member, Ward No.14,
Ezhumattoor Grama Panchayat)

**(By Adv. Mridul John Mathew &
Adv. Sajitha S.)**

Respondent

: Leelamma Sabu
W/o. Sabu Koinadath,
Koinadathu House,
Chuzhanna, Valakkuzhy P.O.,
Vennikulam, Pathanamthitta

(Member, Ward No.05,
Ezhumattoor Grama Panchayat)

(By Adv. Omanakuttan)



ORDER

This is a petition filed under Section 3 and 4 of Kerala Local Authorities (Prohibition of Defection) Act for declaring that the Respondent is disqualified for committing defection and hence to declare that the Respondent is disqualified for a period of six years to contest in any local body.

2. The Petitioner's case in brief is as follows:

The Petitioner and Respondent are the elected members representing Ward No.14 and 5 of Ezhumattoor Grama Panchayat and elected during the General Election held in 2020. They contested and won the election as the official candidate of Indian National Congress under the official symbol 'Hand'. After the election, all members of Indian National Congress including the Petitioner and Respondent had given sworn declarations before the Secretary, Ezhumattoor Grama Panchayat showing their political allegiance as Indian National Congress. Based on the declarations given to the Secretary as per Rule 3(2) of the Act, the Secretary, Ezhumattoor Grama Panchayat prepared a register showing the political affiliation of the members and wherein stated that the Respondent is a member of Indian National Congress. There are 14 wards in Ezhumattoor Grama Panchayat and after election the representation of the parties in the board was as follows: Indian National Congress - 4, Kerala Congress (Joseph) - 1, CPI(M) - 4, Independent (CPM Support) - 1, Independent (CPI Support) - 1, Kerala Congress (M) - 1, BJP - 1, Independent (BJP Support) - 1. There were 2



vacancies in the Health and Education Standing Committee. The election for vacancies to the Health and Education Standing Committee scheduled on 27.09.2021. On that day only one member submitted his nomination and she was elected and the other vacancy remained unfilled. Election to the said vacancy was declared to be held on 01.10.2020. The parliamentary party meeting of the Indian National Congress decided to contest Mr. Ajikumar, member from Ward No.11 for the said vacancy and decided to issue whip to all INC members in this regard. The District Congress Committee directed the Respondent not to submit any nomination to the election to be held on 01.10.2021. Party decided to issue a whip directing her not to file nomination to the Health and Education Committee elections to be held on 01.10.2021. The petitioner (who was the parliamentary party leader), tendered both whips to the respondent on 30.03.2021 but she refused to accept the same. The petitioner went to the house of the respondent with Sugathakumari K. (Member from Ward No.4) and Joby Parrankamoottil (member from Ward No.13) on 01.10.2021 and gave both the whips directly to the respondent. The respondent accepted the whip to vote infavour of Mr. Ajikumar in the Health and Education Standing Committee to be held on 01.10.2021 and acknowledged the receipt of the same on the copy of the whip. Thereafter the petitioner handed over the other whip directing her not to submit nomination or contest as the candidate in the Health and Education Standing Committee Election to be held on 01.10.2021. She refused to accept the same claiming that she is not bound to obey any such direction and it was her right to contest or

