

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

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

Thursday, the 7th day of March, 2024

O.P. No. 21 of 2022

Petitioner

: P.P. Eldhose
S/o. Pailey,
Pulparambil House,
Market P.O.,
Muvattupuzha - 686 673

(Chairperson,
Muvattupuzha Municipality)

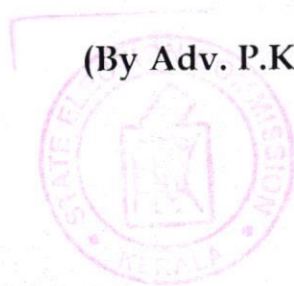
**(By Adv. S. Gopalakrishnan Nair &
Adv. A. Santhosh Kumar)**

Respondent

: Prameela Gireesh Kumar
W/o. Gireesh Kumar,
Kulangaredathu, Randar P.O.,
Muvattupuzha - 686 673.

(Councilor, Ward No.13,
Muvattupuzha Municipality)

(By Adv. P.K. Varghese)



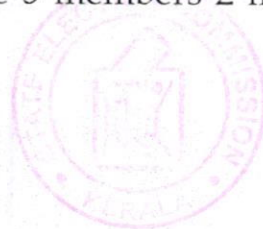
ORDER

This is a petition filed under Section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 to declare the respondent is disqualified to continue as a Councilor of Muvattupuzha Municipality and further to declare that the respondent is disqualified for a period of six years to contest any election to the Local Self Government Institutions.

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

Petitioner and respondent are elected councilors of Muvattupuzha Municipality in the general election held in 2020. Both petitioner and respondent were elected as candidates of Indian National Congress (INC) under the symbol "hand" from Ward No.25 and 13 respectively. Petitioner is the Chairperson of Muvattupuzha Municipality and also the leader of Parliamentary party of United Democratic Front (UDF). One P.M. Abdul Salam was also elected as Secretary and Chief whip of the UDF Parliamentary Party. After the election respondent had given a sworn declaration in Form No. 2 as per rule 3 (2) of the Kerala Local Authorities (Prohibition of Defected members) Rules before the Secretary of the Municipality stating her political allegiance as a councilor of INC. On the basis of the declaration, a Register showing party affiliation of respondent was prepared by the Secretary in Form No.1.

3. The welfare standing Committee of the Muvattupuzha Municipality consists of 5 members. Out of these 5 members 2 members belong to



UDF, 2 members belonging to LDF and 1 independent. The respondent Smt. Prameela Girishkumar and Smt. Bindu Jayan, Councilor of Ward No. 20 were the UDF members in the welfare standing committee. In the election to the post of welfare standing committee held after general election Smt. Rajasree Raju, an independent councilor was elected as Chairperson of Welfare Standing Committee with the support of UDF members in the Standing Committee. While she was continuing as Chairperson of Welfare Standing Committee, LDF members in the Standing Committee along with respondent submitted a notice of intention to move no confidence motion against Smt. Rajasree Raju, Chairman of welfare Standing Committee. Accordingly the Authorized Officer issued notice to all the members of welfare standing committee intimating date and time of the meeting as 01.08.2022 at 12 noon.

4. The President of District Congress Committee (I), issued written direction to the members of Welfare Standing Committee belongs to INC(I) to abstain from attending and voting of no confidence motion against the Chairman of Welfare Standing Committee Smt. Rajasree Raju. The said registered whip addressed to the respondent was returned with the endorsement "unclaimed by the Addressee". The copy of the whip was served to the Secretary of the Municipality as provided under rule 4(2) and who acknowledged it's receipt on 30.07.2022 as evident from Exhibit-A7. A Parliamentary Party meeting of UDF members convened on 27.07.2022 decided to entrust the UDF

