

BEFORE THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM

PRESENT: SHRI. A SHAJAHAN,
STATE ELECTION COMMISSIONER

Tuesday, the 22nd day of October, 2024

O.P. No. 08 OF 2022

Petitioner

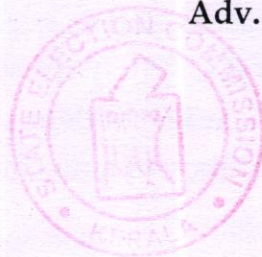
: Declark Sebastian
S/o Sebastian
Chakkamkunnel House
Padamughom P.O
Idukki
(Member, Ward No. 15 Vathikudy Grama
Panchayat)

(By Adv. A.Santhosh Kumar &
Adv. K.Vinod)

Respondent

: Sindhu Jose
W/o Jibi Thomas
Koonamparayil
Daivammade
Konnakkamali P.O
Idukki
(Member, Ward No.07,
Vathikudy Grama Panchayat)

(By Adv.B.Vasudevan Nair &
Adv. Praveen C.P)



ORDER

1. This is a petition filed under section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 for declaring that this respondent committed defection and hence disqualified to continue as member of Vathikudy Grama Panchayat and also for declaring her as disqualified to contest as candidate in any election to the local authorities for a period of six years.
2. The petitioner's case in brief is as follows; - Petitioner is an elected member of ward No. 15 of the Vathikudy Grama Panchayat, belongs to Indian National Congress. Respondent has contested and elected as a member of Vathikudy Grama Panchayat as an official candidate of Kerala Congress (PJ Joseph Group) (hereinafter "K C (PJJG)") in the General Election to the Local Self Government institutions held in the year 2020. After the election respondent has given sworn declaration before the Secretary of the Vathikudy Grama Panchayat showing her political association with political party K C (PJJG). On the basis of the said declaration Secretary prepared a register showing *interalia* that respondent is an elected member of K C (PJJG). Both INC and K C (PJJG) are constituents of UDF coalition.
3. Vathikudy Grama Panchayat is having a total strength of 18 members. Out of which 7 members belong to INC, 3 members including the respondent belong to K C (PJJG) and thus UDF coalition got 10 members. LDF coalition has 7 members and one member was elected as pure independent candidate. Thus UDF got majority of seats and as per understanding in UDF, the Presidentship of the Panchayat was allotted to the respondent as a member of K C (PJJG) and as such respondent was elected as the President of Vathikudy Grama Panchayat with the support of UDF members.
4. It is alleged that during the tenure of respondent as President there is wide spread allegations against her and her activities was in link and liaison with opposite LDF. For aforesaid reasons and as per understanding in the UDF, the Idukki District President of K C (PJJG) directed the respondent to resign from the post of President. Since respondent was reluctant to resign, the UDF members of the Panchayat moved a no confidence motion against the

