

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM

PRESENT: SHRI. A SHAJAHAN,  
STATE ELECTION COMMISSIONER

Tuesday, the 2<sup>nd</sup> day of July, 2024

O.P. No. 35 OF 2021

**Petitioner**

: Milsy Shaji  
W/o. Shaji,  
Aadukuzhiyil House,  
Paingottoor P.O., Kadavoor Village,  
Kulappuram Kara, Kothamangalam.

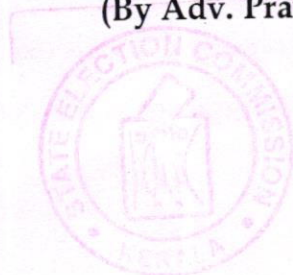
(Member, Ward No.13  
Paingottoor Grama Panchayat)

(By Adv. A.Santhosh Kumar)

**Respondent**

: Nizar Muhammed,  
S/o Muhammed,  
Veliyathkudiyil Veedu,  
Paingottoor.P.O, Kadavoor Village,  
Kulappuram Kara, Kothamangalam  
(Member, Ward No.10,  
Paingottoor Grama Panchayat)

(By Adv. Praveen C.P)





**ORDER**

This is a petition filed under section 3 and section 4 (1) of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 for declaring that the respondent has committed defection and hence became disqualified to continue as a member of Paingottoor Grama Panchayat and also for declaring him as disqualified to contest as candidate in any election of local authority for a period of six years.

2. The averments in the petition are in short, as follows:

The Petitioner and respondent are elected members of Paingottoor Grama Panchayat in the general election held to the Local Self Government Institution, during December 2020. The Petitioner contested and was elected as the official candidate of Indian National Congress, in official symbol "Hand". The Respondent contested as an independent candidate supported by UDF. After the election, both the petitioner and the respondent had given sworn declaration before the Secretary, Paingottoor Grama Panchayat, showing their association with political party as INC. On the basis of the same, the Secretary of Paingottoor Grama Panchayat prepared the register showing the political affiliation of the elected members and wherein it is stated that the Respondent is an independent candidate supported by INC and UDF. There are 13 ward members in Paingottoor Grama Panchayat. Out of which UDF got 6 seats viz. 5 members belong Indian National Congress (INC) and 1 independent member supported by INC. The LDF coalition has 6 members, viz. 3 members belongs to CPI(M), 2 members belong to Janathipathya Kerala Congress and 1 belongs to Kerala Congress (M). One independent member not belonging to any political party or coalition was also elected.

