

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

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

**Tuesday, the 27<sup>th</sup> day of May, 2025**

**O.P. No.24/2023, 25/2023 & 26/2023**

**O.P. No.24/2023**

**Petitioner**

**:** K. Baby Sudha  
W/o Sasikumar  
Pattarpallam kalam,  
Pallam, Muthalamada P.O.  
Chittur Taluk PIN-678507  
Palakkad District

(Member, Ward, No. 01  
Muthalamada Grama Panchayath)

**(By Adv. Kallambalam Sreekumar)**

**Respondent**

**:** K.G. Pradeep Kumar  
S/o Gopalan  
Kandanchirakalam, Nandan kizhaya,  
Anamari P.O. Muthalamada,  
Chittur Taluk PIN-678506  
Palakkad District

(Member, Ward No.20,  
Muthalamada Grama Panchayath)

**(By Advs. R. Manikandan & P. Valsala)**





O.P. No. 25/2023

**Petitioner**

: K. Baby Sudha  
W/o Sasikumar  
Pattarpallam kalam,  
Pallam, Muthalamada P.O.  
Chittur Taluk PIN-678507  
Palakkad District

(Member, Ward, No. 01  
Muthalamada Grama Panchayath)

**(By Adv. Kallambalam Sreekumar)**

**Respondent**

: Radha C.  
W/o Sudheesh  
Malayoram House,  
Mallankulambu, Muthalamada P.O.  
Muthalamada, Chittur Thaluk  
PIN-678506

(Member, Ward No.05,  
Muthalamada Grama Panchayath)

**(By Adv. R. Manikandan & P. Valsala)**

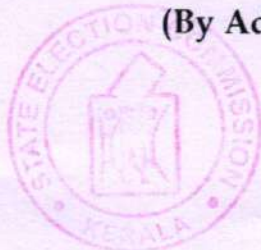
O.P. No. 26/2023

**Petitioner**

: K. Baby Sudha  
W/o Sasikumar  
Pattarpallamkalam,  
Pallam, Muthalamada P.O.  
Chittur Thaluk PIN-678507  
Palakkad District

(Member, Ward, No. 01  
Muthalamada Grama Panchayath)

**(By Adv. Kallambalam Sreekumar)**





**Respondent** : Satheesh  
S/o Kuttan  
Puliyamthoni,  
Muthalamada P.O.  
Muthalamada, Chittur Taluk  
PIN-678507  
Palakkad District  
  
(Member, Ward No.02,  
Muthalamada Grama Panchayath)  
  
(By Adv. R. Manikandan & P. Valsala)

**ORDER**

These original petitions are filed under section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 for declaring that the respondents herein have committed defection and hence disqualified to continue as members of Muthalamada Grama Panchayat and also for declaring them 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 and respondents were elected as members of Muthalamada grama panchayat in the General Election to local authorities held in December, 2020. Petitioner is the elected member of ward No. 1 of the Muthalamada grama panchayat. Respondents in OP No. 24/2023 to 26/2023 are elected members of Muthalamada grama panchayat representing ward No.20, 05 and 02 respectively. Since question of fact and law involved in these original petitions are common, they are tried together as OP No. 24/2023 as leading case.





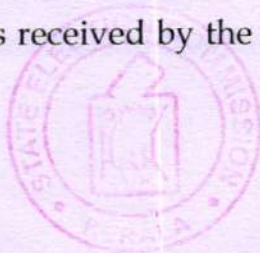
3. Petitioner was contested election as a candidate of Communist Party of India (Marxist) (hereinafter CPI (M)). Respondents were contested as candidates of Bhartiya Janata Party (hereinafter BJP). The District President of the BJP had recommended the official symbol of BJP to the respondents for contesting the election. After the election all the three elected members belonging to BJP have filed sworn declarations before the Secretary of the Muthalamada grama panchayat showing their political allegiance with BJP. On the basis of the said declarations, the Secretary of the panchayat had prepared a Register showing the political affiliation of the respondents, wherein also it is stated that respondents are elected members of the BJP.
4. There are altogether 20 wards in Muthalamada grama panchayat. Out of which CPI (M) got 9 seats, Indian National Congress (hereinafter INC) got 6 seats, BJP-3 seats and independents -2 seats. Later, an elected member of CPI (M) resigned from the membership of the panchayat. Meanwhile one of the independent members, Smt. Kalpana Devi moved a no confidence motion against the President of the Panchayat, petitioner herein, on 04.02.2023 and it was carried out with the support of the respondents.
5. Thereupon Commission notified election to the vacant post of President and Returning Officer in turn issued election notice of the scheduled election to be held on 27.02.2023. The District President of the BJP issued whip dated 20.02.2023 to the respondents directing them to abstain from voting in the Presidential election. The whip was communicated to the respondents by all legal means. The fact of issuance of the whip was communicated to the Secretary of the panchayat. Though respondents were aware of the existence of whip, they disobeyed the whip and participated the election meeting held on 27.02.2023. Respondents in OP No. 24/2023 and 26/2023 viz. K G Pradeep Kumar and Satheesh attended the meeting and invalidated





their votes. However, respondent in OP No.25/2023 viz. Radha. C participated in the meeting and voted in favour of Smt. Kalpana Devi, independent candidate in the fray. The acts of the respondents are contrary to the direction issued by their political party. Respondents by their conduct voluntarily given up their membership of BJP and in collusion with BJP and independent members, they intentionally defied the whip and purposely attended the Presidential election. Respondents have voluntarily abandoned their membership of BJP. Acting against the party and working against the will of party is disloyalty. Respondents have committed defection and therefore liable to be disqualified under the Kerala Local Authorities (Prohibition of Defection) Act.

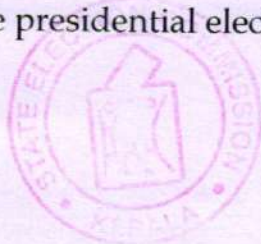
6. Respondent's case in brief is as follows;-The original petitions are not maintainable either in law or on facts. Petitioner has no cause of action against the respondents. It is true that respondents are elected members of the Muthalamada grama panchayat representing ward No.20,05 and 02 respectively. It is also true that respondents were contested election as candidates of BJP. It is true that BJP won 3 seats in Muthalamada grama panchayat in the General Election held in December, 2020. It is also admitted that independent member Smt. Kalpana Devi moved a no confidence motion against the President of Muthalamada grama panchayat and same was carried with the support of majority votes.
7. However, it is false and incorrect that the District President of the BJP issued whip to the respondents, directing them to abstain from voting in the Presidential election to be held on 27.02.2023. It is untrue that whip was communicated to the respondents by all legal means. It is equally untrue that copy of the whip was communicated to the Secretary of the panchayat. In fact, no whip was received by the respondents in respect of the election





held on 27.02.2023. Respondents have no knowledge about the whip or direction issued by the BJP. The allegation that respondents acted against the whip issued by BJP is also incorrect. Respondents not voted in the Presidential election held on 27.02.2023. Though the respondents were personally not inclined to participate in the election, since it was their duty, they had participated but abstained from voting to anybody.

8. The allegations that respondents had voluntarily given up their membership of BJP in collusion with INC and independent members, intentionally defied the whip and purposely attended the Presidential election and invalidated their votes and thereby committed defection are false and incorrect and hence denied. Respondents have not voluntarily abandoned their membership of the BJP and not committed any act of defection and hence not liable for any disqualification under the Kerala Local Authorities (Prohibition of Defection) Act.
9. The evidence in this case consists of oral testimonies of PW1 to PW6, RW1 to RW3, Exhibits A1 to A6, X1 to X13.
10. Both sides were heard.
11. The following points arise for consideration
  - (i) Whether respondents have received any whip issued by the District President of the BJP prior to the election held on 27.02.2023?
  - (ii) Whether respondents were aware of the decision taken by BJP to abstain from voting?
  - (iii) Whether respondents have disobeyed the decision and direction of the BJP in the presidential election held on 27.02.2023?

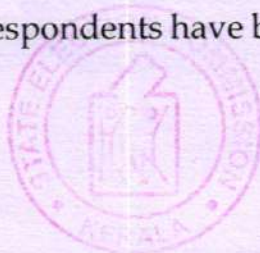




- (iv) Whether respondents have voluntarily given up their membership of BJP as alleged?
- (v) Whether respondents have committed defection as contemplated under section 3 (1) (a) of the Kerala Local Authorities (Prohibition of Defection) Act?

12. Point No. (i) and (ii);- Petitioner is an elected member of Muthalamada grama panchayat and as such competent person to file original petition before the Commission under section 4 (1) of the Act. Respondents are admittedly contested and elected as candidates of BJP, in the election symbol "lotus", during the General Election to local authorities held in December, 2020. The District President of the BJP had recommended the symbol of political party to the respondents for contesting the election.

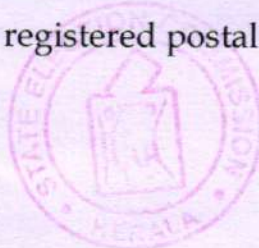
13. While so, an independent member Smt. Kalpana Devi moved a no confidence motion against the President of the Muthalamada grama panchayat and it was carried with the support of majority on 04.02.2023. Commission notified election to the vacant post of President and Returning Officer in turn issued election notice of scheduled election to be held on 27.02.2023. The Palakkad District President of BJP had issued the Ext.A2 to A4 whips dated 20.02.2023 to the respondents directing them to abstain from the presidential election to be held on 27.02.2023 at 11 am. It is stated in the original petitions that whip was communicated to the respondents by all legal means. Petitioner has examined the District President of BJP as PW6, who identified the Ext.A2 to A4 whips and categorically deposed before the Commission that he had issued whip to the respondents directing them to abstain from the Presidential election held on 27.02.2023. But he has not certain whether respondents have been received the whip issued by him





or whether they acted upon on such direction. PW6 has also identified the Ext.A6 copy of the whip communicated to the Secretary of the panchayat in compliance with section 3 (2) of the Act. As admitted by the District President of BJP, he had issued whip to the respondents, however, when he was examined as PW6, petitioner put nothing to him regarding the service of such whip to the respondents. During the cross examination, PW6 admitted that he had transpired nothing regarding the whip to the respondents, personally. But he admitted that there is no service of whip through affixture resorted in the instant case. Further, there is nothing on the record which shows that BJP has convened a parliamentary party meeting of its elected members of the panchayat, prior to the Presidential election held on 27.02.2023.

14. Petitioner has not produced the postal receipts, acknowledgment cards etc. in proof of service of notice to the respondents. Petitioner being an elected member of opposite political party has her own constraints in producing such documents. Therefore, petitioner examined the Postmaster Kollamcode and Postmaster Muthalamada as PW3 and PW4 respectively to corroborate petitioner's case that whips were duly served to the respondents. PW3 Postmaster of Kollamcode categorically stated that the registered postal article having No. RL 687519583 IN addressed to KG Pradeep Kumar received in the Post Office on 22.02.2023, as evident from Ext.X9 Registered list produced by him. Accordingly, a postal intimation was given to the addressee on 22.02.2023 itself as evident from Ext.X10 Delivery Manifest. Thereafter addressee claimed the postal article on 28.02.2023 at 11 am as evident from Ext. X10 (Sl. No.13).
15. The Postmaster, Muthalamada, who was examined as PW4 deposed before the Commission that the registered postal article addressed to Sri. Satheesh



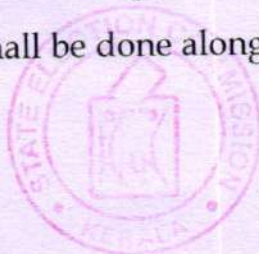


was booked in the Post Office on 22.02.2023 as RL 687519570 IN as evident from Ext.X11 Registered list (As Sl. No.14) produced by him. He further stated that the registered postal article addressed to Smt. Radha was booked on 22.02.2023 as RL 687519455 IN as evident from Ext.X11 Registered List (As Sl. No. 15). Sri. Satheesh and Radha C, respondents herein claimed the postal article containing the whip on 28.02.2023 as evident from Ext.X12 and X13 respectively. It is pertinent to note that PW4 Postmaster Muthalamada has not produced the Delivery Manifest in proof of posting of intimation to Sri. Satheesh and Radha C, though he assumed that intimation had been given to them as usual. However, during the cross examination PW4 admitted that

"Intimation addressee -ക്ക് നൽകിയിട്ടുണ്ടോ എന്നും, എന്ന് നൽകിയെന്നോ ആർക്ക് നൽകിയെന്നോ ഇവിടെ നൽകിയ രേഖകൾ കൊണ്ട് പറയാൻ കഴിയുമോ? (Ans) ഇല്ല "

Therefore, there is no material on the record that postal intimation regarding whip was given to the respondents in OP No. 25/2023 and OP No.26/2023. It shows that either the postal article was not attempted to be delivered to the addresses of the respondents or Post Office Muthalamada has not cared to maintain the Delivery Manifest in proof of posting of intimation to the respondents. Either way, there is no proof that respondents were noticed of the intimation regarding the existence of postal article in their addresses. Therefore, petitioner has failed to prove that whip was served to the respondents in OP No. 25/2023 and OP No. 26/2023 in the manner of service prescribed under rule 4 (2) of the Kerala Local Authorities (Disqualification of Defected members) Rules, which reads as follows;-

" (2) While issuing a direction under sub-rule (1) directly, the person who gives it shall obtain a receipt from the member and while sending it by registered post it shall be done along with acknowledgment due and while



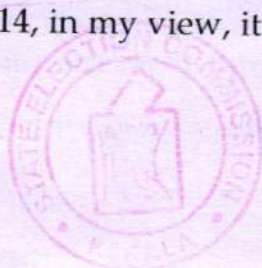


effecting it by affixing, it shall be done in the presence of at least two witnesses. Copy of the direction in writing shall also be given to the Secretary."

16. However, as discussed in pre-para 14, there is proof that intimation had been given to the respondent in OP No.24/2023 on 22.02.2023 and he claimed the postal article belatedly on 28.02.2023, after the conclusion of Presidential election. There is every reason to believe that respondent intentionally delayed the acceptance of postal article containing the whip to defeat the service of whip prior to the election. In *Harcharan Singh V Smt. Shivani and Others* (1981) 2 SCC 535) and in *Jagadish Singh V Nattu Singh* (1992) 1 SCC 647) the Supreme Court had observed that a notice refused to be accepted can be presumed to have been served on him. In the said decisions, the Supreme Court observed that when a notice is sent to the correct address, the obligation of the sender ends with that, and if he does not claim the notice, it shall be deemed that there was valid service of notice. Viewed in the above perspective, it is evident that the respondent in OP NO. 24/2023 was served with the whip.

17. Further, in *Jenjon Retail and Services Pvt Ltd V Lavasa Corporation Ltd* (judgment dated 22.06.2016 of Hon'ble High Court of Bombay, reported in LAWS (BOM)-2016-6-2013) observed that;-

"22. It is not in dispute that the petitioner had lodged this arbitration petition only on 22nd June 2015, whereas the intimation was posted by postman on 21st July 2014 and 22nd July 2014. Since the petitioner not having claimed the copy of the signed award though the intimation was posted on 21st July 2014 and 22nd July 2014, in my view, it would amount to good service and

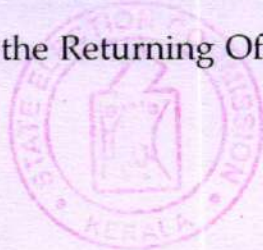




would amount to refusal on the part of the petitioner to accept the service of said signed copy of the award delivered by the learned arbitrator..."

18. It is well settled position that where a member of a political party is aware of the decision taken by the political party, but failed to act in accordance with the political directive, it would amount to voluntarily abandoning of the membership of the political party and he would be disqualified under section 3(1) (a) of the Act. In para 7 of the original petition, petitioner has taken a plea that respondents have voluntarily given up their membership of the BJP. Therefore, it is pertinent to examine whether respondents were aware of the whip. In foregoing paras, it was found that as in the case of respondent in OP NO. 24/2023, there is deemed service of whip, but as in the case of respondents in OP No. 25/2023 and 26/2023 there is no service of whip.

19. Apart from PW3 and PW4 Postmasters, petitioner has examined the then Secretary of the panchayat as PW5 to prove that respondents were aware of the existence of the whip prior to the election held on 27.02.2023. PW5 deposed before the Commission that existence of such a whip was duly informed by the petitioner herein as well as the Returning Officer concerned during the commencement of election meeting. However, pertinently, it is not forthcoming from Ext.A6 Minutes of the election meeting that whether PW5 was present in the meeting or either petitioner or Returning Officer read out the Minutes at the meeting. But during the cross examination PW5 admitted that it is a notable omission. However, it is pertinent to note that petitioner herself has no case that either she or Returning Officer read out the whip at the election meeting. Therefore, the uncorroborated testimony of the PW5 is unbelievable and cannot be relied on. Further, petitioner has failed to examine the Returning Officer concerned, who could provide the



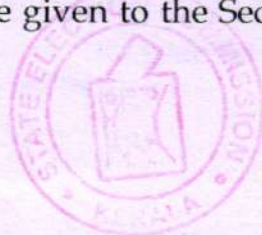


best evidence in the present context. It is settled position that if a party fails to call a relevant witness to testify, the Court may infer that missing witness's testimony would have been unfavourable to that party. Apart from the uncorroborated testimony of PW5, petitioner has not adduced any oral or documentary evidence to prove that respondents were aware of the whip. It is settled position that it is the documentary evidence that qualifies the ambit of best evidence rule leaving behind the oral evidence. Moreover, while cross examining the respondents as RW1 to RW3, petitioner put not even a suggestion to them regarding whether Returning Officer had read out the whip in the election meeting. Further, there is nothing gathered from the testimony of PW6, District President of the BJP that he had informed the directives of the party to the respondents, personally.

20. However, PW6 identified the Ext.A5 copy of the whip communicated to the Secretary of the panchayat as provided under section 3(2) of the Act. The present Secretary of the panchayat, who was examined as PW2 produced the office copy of the Ext.A5 and acknowledgment of receipt, which marked as Ext.X4 series. PW5, then Secretary of the panchayat also identified the Ext.X4. Therefore, it has come out that the copy of the whip was duly communicated to the Secretary of the panchayatas provided under section 3 (2) of the Act.

In *George Elamplakkadu @ Vakkachan Powathil V A V Mathew @ Samkutty Vettupalam & Ors* (2020 (5) KHC 297) the Hon'ble High Court, *inter alia* observed that

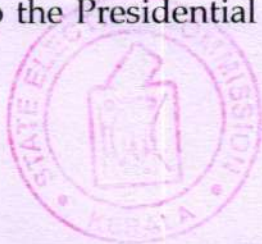
"21. The very purpose by which the rule making authority had imposed on a further stipulation in sub-rule (2) of rule 4 is to provide a copy of the direction in writing to be given to the Secretary is to ensure existence of a





valid direction in writing (whip) by the political party to its members..... Serving a copy of the direction in writing (whip) to the Secretary of the local authority concerned is the only method by which a member of that local authority belonging to any other political party to come to know about the whip."

21. As a necessary corollary, by publication of the direction in writing (whip) issued by political party, in the notice board of the panchayat, all elected members of the panchayat become aware of the existence of a whip issued by a political party to its elected members. Though petitioner has examined the present Secretary of the panchayat and then Secretary of the panchayat, nothing come out in evidence that Ext.A5 copy of the whip communicated to the Secretary of the panchayat, had been published in the notice board of the panchayat for the information of elected members of the panchayat, including the respondents herein.
22. Considering all these aspects, in view of severe dearth of evidence, it is not possible to conclude that respondents in OP No. 25/2023 and OP No. 26/2023 were aware of the direction or decision taken by their political party to abstain from the election. However, it already found that respondent in OP No. 24/2023 was aware of the direction issued by the political party.
23. Point No. (iii) & (iv);- It has come out from the testimony of PW6, the District President of the BJP that he had issued Ext.A2 to A4 whip to the respondents directing them to abstain from the election. Exts.X9 and X11 Registered Lists would show that these whips were sent by registered post. In foregoing paragraphs, it is found that through Ext.X10 Delivery Manifest, petitioner has proved that respondent in OP No. 24/2023 was aware of the existence of whip prior to the Presidential election. At the same time petitioner did





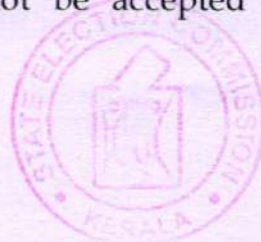
not let in any evidence to substantiate her case that respondents in OP No.25/2023 and OP No. 26/2023 were aware of the whips prior to the Presidential election.

24. It appears from the pleading of original petition especially from the cause of action, that the allegations against the respondents are confined to their conduct during the Presidential election held on 27.02.2023. Further, in para 7 of the original petition, it is averred that " on 27.02.2023, the respondent voluntarily given up his membership from Bharathiya Janata Party (BJP) and in collusion with BJP and independent members, he intentionally defied the whip and purposely attended the Presidential election" However, in para 9 of the Proof affidavit, petitioner improved her case in the following manner;-

"എന്നാൽ എതിർകക്ഷികൾ പഞ്ചായത്തിലെ BJPയുടെ പ്രധാന വൈരികൾ ആയ INC അംഗങ്ങളുമായി ചേർന്ന് അവർ ഉൾപ്പെട്ട BJP എന്ന രാഷ്ട്രീയകക്ഷിയിലെ അംഗത്വം സ്വമേധയാ ഉപേക്ഷിച്ചു പാർട്ടി അധികാരപ്പെടുത്തിയ വ്യക്തിയായ BJPയുടെ ജില്ലാ പ്രസിഡന്റ് നൽകിയ നിർദ്ദേശം ധിക്കരിച്ച് 27.02.2023-ൽ ചേർന്ന പ്രസിഡന്റ് തെരഞ്ഞെടുപ്പിൽ പങ്കെടുത്ത് കൽപ്പനാ ദേവി എന്ന മെമ്പർക്ക് അനുകൂലമായി വോട്ടു രേഖപ്പെടുത്തിയിട്ടുള്ളതാണ്."

There is material difference in the evidence adduced from the pleadings.

25. The basic rule governing the pleadings is founded on the principle of *secundum allegata et probate*, that no party could succeed a case by adducing evidence without support of pleadings, since the law is well settled that one could be permitted to let in evidence only in tune with the pleadings. Therefore, the above portion of petition's evidence, without being supported by pleadings cannot be accepted in evidence against the respondents.





26. Further, petitioner has produced the certified copy of the Minutes of the President election as Ext.A6. PW2, the present Secretary of the panchayat identified Ext.A6 and produced the office copy of Ext.A6, as Ext.X5. As already discussed, petitioner has not examined the Returning Officer, who presided over the Presidential election. However, in view of the evidence of PW2, the contents of Ext.A6 can be relied on. Ext.A6 would show that all the 3 elected members belonging to BJP were present in the election meeting held on 27.02.2023 at 11 am. The name of Smt. K Baby Sudha, petitioner herein was proposed for the post of President by one Sathyabhama A and seconded by one Abdual Rehman. Smt. Kalpana Devi nominated herself for the post without being proposed or seconded by any elected members, as provided in the proviso to rule 7 (1) of the Kerala Panchayat Raj (Election of President and Vice President) Rules. BJP has not fielded any candidate for the election. Out of 19 votes polled, 2 votes became invalid on counting. Smt. K Baby Sudha secured 8 votes and Smt. Kalpana Devi secured 9 votes. Since Smt. Kalpana Devi secured majority of votes, she was declared as elected.
27. PW4, the present Secretary of the panchayat has produced the original ballot papers of the Presidential election held on 27.02.2023 kept under his safe custody under rule 12 (2) of the above mentioned Rules, which is marked as Ext.X7. On verification of Ext.X7 ballot papers, it appears that respondents in OP No. 24/2023 Sri. Pradeep Kumar and respondent in OP No. 26/2023 Sri. Satheesh did not record their votes in favour of any one of the contesting candidates in the Presidential election. Petitioner has no case that they voted in favour of either of candidates in fray. Therefore, no violation of whip issued by BJP or voluntarily giving up of membership of BJP can be attributed by the conduct of respondents in OP No. 24/2023 and OP No. 26/2023.





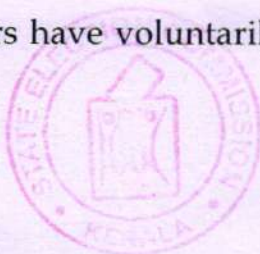
28. On the other hand, it appears from Ext.A7 ballot paper used in the Presidential election that respondent in OP No.25/2023 Smt. Radha C participated in the Presidential election held on 27.02.2023 at 11 am and cast her valid vote in favour of Smt. P Kalpana Devi. It further appears from Ext.A6 Minutes that Smt. P Kalpana Devi secured 9 votes as against 8 votes secured by rival candidate in fray and she was elected as President. As admitted by the petitioner in para 5 of the petition, Smt. Kalpana Devi is an independent elected member of the panchayat. In the original petition, petitioner has no case that respondent colluded with rival INC members and voted against the interest of BJP. Likewise, when the District President of the BJP was examined as PW6, he has also no case that in the Presidential election respondent voted against the interest of the BJP by aligning with INC.

29. After all, as discussed in foregoing paragraphs, there is no service of whip against the respondent in OP No.25/2025 and also there is no evidence let in by the petitioner to prove that respondent was aware of the whip issued by her political party in connection with the Presidential election.

30. In *Joseph KM V Babychan Mulangasseri and Others* (2015 (1) KHC 111 (DB), the Hon'ble High Court held that in the absence of floor crossing or shifting of political loyalty to any rival political party or coalition, it cannot be said that the elected members have voluntarily given up membership of that political party.

In the present case there is no floor crossing or shifting of political loyalty to any rival political party by the conduct of the respondent.

In the above said judgment, it is further held that " In order to draw an inference that elected members have voluntarily given up membership of





the political party, there must be concrete proof that they have acted in defiance of any valid directions of the political party, which should be established by positive, reliable and unequivocal evidence"

31. In *Chinnamma Varghese V. State Election Commission of Kerala* (2009 (4) KHC 527) Division Bench of High Court held that " incurring of the disqualifications under any one of the contingencies depends upon the existence of a definite set of facts, which are required to specifically pleaded before they are sought to be proved to establish the allegation of disqualification under the Act."

32. Considering the facts and circumstances of the case and the ratio laid down by the Hon'ble High Court in the judgments cited above, I am of the considered view that petitioner has failed to prove that respondents have committed defection and therefore they are liable for disqualification under Kerala Local Authorities (Prohibition of Defection) Act.

In the result, the original petitions are dismissed.

Pronounced before the Commission on the 27<sup>th</sup> day of May 2025

Sd/-

A. SHAJAHAN

STATE ELECTION COMMISSIONER





## APPENDIX

### Witness examined on the side of the Petitioner

PW1	: Baby Sudha K
PW2	: M. Prasad
PW3	: Jyothiradithyan P
PW4	: Viji V
PW5	: Radha N
PW6	: K. M. Haridas

### Witness examined on the side of the Respondent

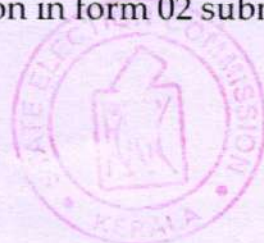
RW1	: Pradeep Kumar
RW2	: Satheesh
RW3	: Radha. C

### Documents produced on the side of the Petitioner

- A1 - Certified Copy of the Register showing the party affiliation of the members of Muthalamada Grama Panchayath
- A2 - Copy of the whip dated, 20.02.2023 issued by BJP District Committee, Palakkad issued to K.G. Pradeep Kumar
- A3 - Copy of the whip by BJP District President, Palakkad dated, 20.02.2023 issued to Smt. Radha C
- A4 - Copy of the whip by BJP District President, Palakkad dated, 20.02.2023 issued to Sri. K. Satheesh
- A5 - Copy of the whip intimation of whip to Secretary, Muthalamada Grama Panchayath
- A6 - Certified copy of the Minutes of the meeting held on 27.02.2023 at Muthalamada Grama Panchayath

### Documents produced on the side of the Respondent

- X1 - Copy of the declaration in form 02 of Smt. K. Baby Sudha.
- X1 (a) Copy of the declaration in form 02 submitted by K.G. Pradeep Kumar





- X1 (b) Copy of the declaration in form 02 submitted by Radha C.
- X1 (c) Copy of the declaration in form 02 submitted by Satheesh K.
- X2 - Copy of the Register showing the Party affiliation of the members of Muthalamada Grama Panchayath
- X3 - Acknowledgement Receipt issued from Grama Panchayath
- X3 (a) Copy of the letter dated, 20.02.2023 issued by Sri. K.M. Haridas to Secretary, Muthalamada Grama Panchayath
- X4 - Acknowledgement Receipt issued from Grama Panchayath
- X4 (a) Copy of the letter dated, 20.02.2023 issued by K.M. Haridas to Secretary, Muthalamada Grama Panchayath
- X5 - Copy of the Minutes of the meeting for President election held on 27.02.2023 at Muthalamada Grama Panchayath
- X6 - Copy of the Minutes of the meeting for President election held on 27.02.2023 at Muthalamada Grama Panchayath
- X7 - Sealed Cover containing the Ballot Papers of the President Election at Muthalamada Grama Panchayath held on 27.02.2023
- X8 - Sealed Cover containing the Ballot Papers of the Vice President Election at Muthalamada Grama Panchayath held on 27.02.2023
- X9 - Postal Registered list from Postal Department.
- X10 - Copy of the Delivery Manifest from Postal Department.
- X11 - Registered list from Postal Department.
- X12 - Postal Delivery Slip dated, 28.02.2023 of Postal Department.
- X13 - Postal Delivery Slip dated, 22.02.2023.

Sd/-  
A. SHAJAHAN  
STATE ELECTION COMMISSIONER

//True Copy//

PRAKASH B.S  
PEN No : 101452  
SECRETARY  
State Election Commission  
Kerala, Thiruvananthapuram

