

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM  
PRESENT: SHRI.A SHAJAHAN, STATE ELECTION COMMISSIONER  
Tuesday, the 29<sup>th</sup> day of October, 2024

O.P. No.33/2022

Petitioner : Hemalatha S  
W/o Murali M  
S.P. Lane  
Malampuzha,  
Malampuzha Dam  
Palakkad

Member: Ward No.12,  
Malampuzha Grama Panchayat

(By Adv. P.T. Ajmal & Sajitha S)

Respondent : Salaja Suresh  
W/o Suresh  
Valiyakkadu  
Annakal P.O  
Malampuzha,  
Palakkad

Member: Ward No.02,  
Malampuzha Grama Panchayat

(By Adv. Vazhuthacaud R. Narendran Nair  
& Saji S.L)



**ORDER**

1. This petition is filed under section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 for declaring that respondent, who is an elected member of ward No. 2 of Malampuzha Grama Panchayat, has committed defection and hence disqualified to continue as member of Malampuzha Grama Panchayat and also for declaring her as disqualified to contest as a candidate in any election to the local authorities for a period of six years.
2. The Petitioner's case in brief is as follows; - The petitioner and respondent are the elected members of ward No.12 and 2 respectively of Malampuzha Grama Panchayat, who were elected in the General Election to the local authorities held in December, 2020. The petitioner was contested and elected as a candidate of Indian National Congress. The respondent was contested and elected from ward No. 2 as an independent candidate without any support from a political party or coalition. In ward No. 2 there were candidates of LDF, UDF and BJP in fray. One Smt. Sali Varghese was contested as an independent candidate supported by LDF, in the symbol "football"
3. There are 13 wards in Malampuzha Grama Panchayat and after the election LDF and BJP secured 5 seats each and UDF secured 2 and independent (respondent) secured 1 seat. Thereafter with the support of respondent, being an independent member, LDF came to power in the panchayat. While going so, no confidence motion against the President and Vice President of the panchayat, who belong to LDF, was moved by opposite BJP and it was considered in the meeting held on 21.10.2022 and 22.10.2022 respectively.
4. On 21.10.2022 before the discussion on no confidence motion, the respondent openly declared that she is a member of CPI and same was informed in the panchayat. She has also stated that if any member have any doubt regarding the fact, they can verify the documents submitted by her in the panchayat after the election. Immediately the petitioner and certain other members of the panchayat verified the declaration submitted by the respondent and found that after the election respondent joined CPI, a constituent of LDF coalition. Respondent voluntarily abandoned her status as an independent member not belonging to a political party or coalition and joined the CPI, a constituent of LDF after the election. The respondent has committed defection and thereby incurred

