

BEFORE THE KERALA STATE ELECTION COMMISSION,
THIRUVANANTHAPURAM

PRESENT: SHRI. A. SHAJAHAN,
STATE ELECTION COMMISSIONER

Tuesday, the 7th day of May, 2024

O.P. No. 04 of 2022

Petitioner

: Sudheer Chellappan,
S/o. Chellappakurup,
Arathy, Paravur,
Kollam - 691 301

(Voter, Ward No.10,
Paravur Municipality)

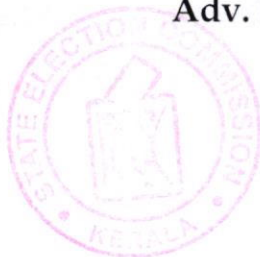
(By Adv. S.P. Sohanlal)

Respondent

: Nisha Kumari,
Mudakkarruvila,
Koonayil, Paravur,
Kollam - 691 301

(Councilor, Ward No.10,
Paravur Municipality)

(By Adv. Manoj &
Adv. Shyamaladevi)



ORDER

This is a petition filed by the petitioner under section 92 of Kerala Municipality Act, 1994 alleging that respondent has incurred disqualification as provided under section 91 (1) (f) Kerala Municipality Act, 1994 and thereby disqualified from holding the office of councilor of Paravur Municipality representing ward No. 10.

2. The case of the Petitioner in brief is as follows:

The petitioner is a voter of Ward No.10 of Paravur Municipality and respondent is an elected Councilor of that ward. No.10. Ext. A1 voters list would show that the petitioner is a voter of ward No. 10. Ext. A1 is the copy of the voters list in respect of part 1 of ward No. 10 of Paravur Municipality and petitioner is serial No. 348, therein. Petitioner is competent to file petition as per sub-section (1) of section 92 the Kerala Municipality Act, 1994. The respondent is elected as a Councilor during the General Election held on December 2020.

3. Paravur Municipality invited quotation for printing and supply of letter pads for the use of Chairperson and Councilors of the Municipality. In response to this invitation the respondent submitted quotation before the Municipality for the said work on 01.09.2021. The Municipality accepted her quotation and that work was given to her. On 05.10.2021 the Municipality issued work order to the respondent. After completion of the said work on 07.10.2021 the respondent submitted bill for Rs.26500/- before the Municipality. The Municipality sanctioned her bill and the respondent received Rs.26500/- by way of cheque number



300143 dated 09.11.2021 from Municipality. The respondent submitted her above quotation in the name of Ambadi Printers, Paravur. The respondent acquired interest in the work done for the municipality by undertaking printing and supply of letter pads for the Municipality. Hence respondent ceased to hold office as Councilor of Municipality under Section 91 (1)(f) of the Kerala Municipalities Act and she cannot be continued as Councilor of Paravur Municipality.

4. In the objection Respondent contended that the petition is not maintainable either in law or on facts. The petitioner is former Chairman of Municipality and who contested unsuccessfully against the respondent in Ward No.10 in the General Election 2020. Respondent has not given quotation to the Municipality to print the letter pad. The documents produced by the petitioner to support his claims regarding the quotation, cash bill and the signature in the cash bill are bogus and fabricated by the petitioner with intention to disqualify the respondent.
5. Both sides were heard.
6. The evidence consists of oral depositions of PW1, PW2, PW3, PW4 and RW1 and the documents Exhibit-A1 to A5, Exhibit-X1 to X10.
7. Based on the pleadings, the following points arise for consideration:
 - i) Whether respondent has incurred disqualification as provided under section 91 (1) (f) of the Kerala Municipality Act, 1994
 - ii) Whether respondent is disqualified from holding the office of Councilor of Paravur Municipality representing ward No.10.

