

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM

PRESENT: SHRI.A SHAJAHAN, STATE ELECTION COMMISSIONER  
Tuesday, the 6<sup>th</sup> day of March, 2025

O.P. No.31 of 2022 and O.P. No. 32 of 2022

O.P. No.31 of 2022

**Petitioner** : Sachin Vayala Abraham  
S/o V.I. Abraham  
Vayala Tharavadu,  
Mandiram, P.O, Ranni -689672  
Pathanamthitta District

Member, Ward No. 03,  
Ranni Grama Panchayath  
(By Adv. P. Anilkumar & Sajitha S.)

**Respondent** : Raveendran @ Mandiram Raveendran  
S/o. Karthiyayani  
Karthika (Parackal) House,  
Mandiram, P.O, Ranni  
Pathanamthitta District

Member, Ward No. 04,  
Ranni Grama Panchayath

(By Adv. V.V. Jayakumar &  
S. Ajith Kumar)



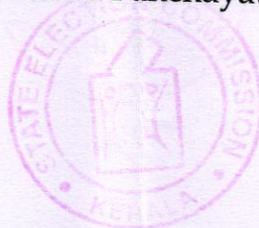
O.P. No 32 of 2022

- Petitioner** : Sachin Vayala Abraham  
S/o V.I. Abraham  
Vayala Tharavadu,  
Mandiram, P.O, Ranni -689672  
Pathanamthitta District  
  
Member, Ward No.03,  
Ranni Grama Panchayath  
(By Adv. P. Anilkumar & Sajitha S.)
- Respondent** : Vinod A.S.  
S/o Sivadasan  
Adichinal Niravel House,  
Puthusserimala P.O. Ranni,  
Pathanamthitta District  
  
Member, Ward No. 07,  
Ranni Grama Panchayath  
(By Adv. V.V. Jayakumar & S. Ajith  
Kumar)

Common Order

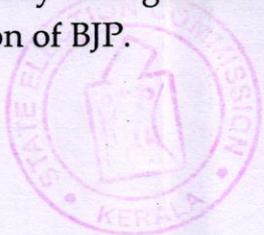
These petitions filed under section 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 by the petitioner for declaring that respondents have committed defection and hence disqualified to continue as members of Ranni Grama Panchayat and also for declaring them as disqualified to contest as candidate in any election to the local authorities for a period of six years. Since common question of law and fact arises in both the cases, OP No.31 and OP No.32 are tried together as OP No.31/2022 as leading case.

2. The petitioner's case in brief is as follows;- Petitioner and respondents are elected members of Ranni Grama Panchayat representing ward No.3, 4 and



7 respectively, in the General Election to local authorities held in December, 2020. Respondents contested the election as official candidates of BJP political party. After the election respondents filed sworn declaration before the Secretary of the panchayat showing their political allegiance with BJP and based on the said declaration, Secretary of the panchayat had prepared a Register showing the said party affiliation of the respondents. There are altogether 13 wards in Ranni Grama Panchayat. Out of which CPI (M), a constituent of LDF got 5 seats, UDF got 4 seats, independent 2 and BJP 2.

3. While so, a causal vacancy of the President arose in the panchayat due to the resignation of then incumbent Smt. Sobha Koshy. Returning Officer issued notice informing the election to be scheduled on 27.10.2022. Petitioner has contested for the post of President. The District President of the BJP issued specific directions to respondents to abstain from the Presidential election to be held on 27.10.2022. The said whip was given to the respondents directly and acknowledgment of receipt of whip was obtained from them. Copy of the whip was also communicated to the Secretary of the panchayat.
4. However, in the election to the post of President held on 27.10.2022, respondents wilfully disobeyed the whip issued by BJP and participated in the election and voted in favour of one K R Prakash, ignoring the specific direction of their political party. Respondents voted along with UDF members in the panchayat. Virtually respondents joined with UDF coalition and acted against the direction of BJP. By their conduct respondents have voluntarily given up their membership of the BJP. Respondents have Committed defection and liable to be disqualified under the Kerala Local Authorities (Prohibition of Defection) Act.
5. The respondent's case in brief is that;-The original petitions are not maintainable either in law or on facts. It is true that respondents are contested and elected as candidate of BJP. In the Presidential election held on 27.10.2022, respondents supported a purely independent candidate who stood for the post of President. The intention of the respondents was to keep both LDF and UDF at a bay from governance of the panchayat. Respondents voted as per the decision of BJP.



6. No direction was given by the District President of BJP to the respondents as alleged. Respondents neither received any direction of BJP nor given any acknowledgment of receipt thereof as alleged. The copy of the direction was not communicated to the Secretary of the panchayat as alleged. Respondents voted in favour of a purely independent elected member, who contested against the candidates of both LDF and UDF in General Election, 2020. Ranni BJP panchayat committee and BJP parliamentary committee decided to defeat both LDF and UDF in the presidential election. Respondents never joined UDF as alleged. Respondents never committed disloyalty to their political party. Respondents have not committed any defection and petition is liable to be dismissed with cost.
7. The evidence in this case consists of oral testimonies of PW1 and PW2 and Exts.A1 to A3 and Exts.X1 to X3.
8. Both sides were heard.
9. Based on pleadings, following points arise for consideration
  - (i) Whether the respondents have disobeyed the decision and direction of the BJP political party in the Presidential election held on 27.10.2022 as alleged?
  - (ii) Whether respondents have voluntarily given up their membership of the BJP political party as alleged?
  - (iii) Whether respondents have committed defection as contemplated under the Kerala Local Authorities (Prohibition of Defection) Act?
10. Point No. (i) to (iii);- As common questions of law and facts arise for consideration in these points, they are considered together for convenience. Petitioner himself has examined as PW1 and Ext.A1 and A2 whips issued to the respondents and Ext.A3 copy of the whip communicated to the Returning Officer of the panchayat were marked from his side. Petitioner has also examined the Secretary of the Panchayat as PW2 and marked office copy of Party Affiliation Register as Ext.X1, copy of the whip received in the office as Ext.X2, Minutes of the election meeting held on 27.10.2022 as Ext.X3.



11. Petitioner has not produced any documents to substantiate his contention that whip was served to the respondent directly and obtained receipt thereof from the respondents. As per rule 4(2) of the Kerala Local Authorities (Disqualification of Defected Members) Rules, it is mandatory to serve whip to the respondents in the manner prescribed therein. Therefore petitioner has failed to prove that there is violation of whip on the part of the respondents. Further, petitioner has also failed to prove his contention that respondents by their conduct voluntarily given up their membership of BJP political party.
12. The original petitions are filed for disqualifying the respondents for their alleged conduct in the Presidential election held on 27.10.2022. Based on the very same cause of action arose on 27.10.2022, the District President of the BJP had filed OP No.02/2023 and OP 03/2023 against the respondents herein. Commission, after trial and hearing, as per Common order dated 22.02.2024 disqualified both the respondents herein from continuing as members of Ranni Grama Panchayat and also declared them as disqualified to contest as candidate in any election to the local authorities for a period of six years. It appears from the record of proceedings in present original petitions that when the matter was came up for consideration on 18.04.2024, petitioner herein has not pressed for the reliefs sought for on the ground that respondents have already been disqualified by the Commission in OP No.02/2023 and OP 03/2023. However, it is pertinent to note that Hon'ble High Court vide judgment dated 18.07.2024 in WP (C) No. 11826/2024 allowed the writ petition filed against the Order dated 22.02.2024 of the Commission.
13. On the appreciation of evidence on record, it appears that there is no evidence to prove that respondents have committed defection as provided under the Kerala Local Authorities (Prohibition of Defection) Act.
14. In the result Original Petitions are dismissed.

Pronounced before the Commission on the 6<sup>th</sup> day of March 2025

Sd/-

A. SHAJAHAN

STATE ELECTION COMMISSIONER



PRAKASH B.S.  
PEN No : 107482  
SECRETARY  
Kerala, Thiruvananthapuram

**APPENDIX****Witness examined on the side of the Petitioner**

PW1 - Sachin Vayala Abraham

PW2 - G. Sudha Kumari

**Documents produced on the side of the Petitioner**

- A1 - Copy of the whip dated, 22.10.2022 issued by Sri. V.A. Sooraj District President BJP to Sri. Raveendran K.P.
- A2 - Copy of the whip dated, 22.10.2022 issued by Sri. V.A. Sooraj District President BJP to Sri. Vinod A.S.
- A3 - Copy of the letter to Returning Officer intimating the issuance of whip to BJP members.

**Documents produced on the side of the Respondent**

- X1 - Copy of the Register showing the Party affiliation of the members of Ranni Grama Panchayath
- X2 - Copy of the whip Showing the receipt by Secretary Ranni Grama Panchayath
- X3 - Copy of the minutes of the meeting held on 27.10.2022 at the Conference Hall, Ranni Grama Panchayath

Sd/-

**A. SHAJAHAN**

**STATE ELECTION COMMISSIONER**

**// True Copy//**

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

