

BEFORE THE KERALA STATE ELECTION COMMISSION,  
THIRUVANANTHAPURAM

PRESENT: SHRI. A. SHAJAHAN,  
STATE ELECTION COMMISSIONER

Tuesday, the 16<sup>th</sup> day of April, 2024

O.P. No. 27 of 2023

**Petitioner**

: P.S. Aneesh,  
S/o. P.K. Sankaran  
Putheekkadu House,  
Kumarakam East P.O.,  
Kottayam - 686 563

(Member, Ward No.5,  
Kumarakam Grama Panchayat)

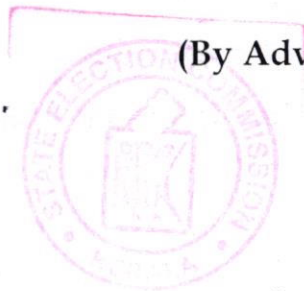
(By Adv. Pallichal S.K. Pramod)

**Respondent**

: Sreeja Suresh  
W/o. Suresh,  
Karivelil House,  
Kumarakam P.O.,  
Kottayam - 686 563

(Member, Ward No.7,  
Kumarakam Grama Panchayat)

(By Adv. J.R. Padmakumar)

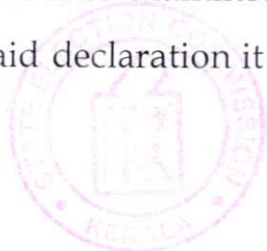


ORDER

This is a petition filed under Section 3(c) and 4 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999.

2. The Petitioner's case in brief is as below:

The petitioner is the elected member representing ward No.5. The Petitioner being an elected member of the Panchayat and is competent to file this petition and the Respondent is an elected member of ward No. 7 of Kumarakam Grama Panchayat elected at the General Election held during 2020. The respondent contested in the said election as an independent candidate and her election symbol was Mobile Phone. In the nomination form filled and submitted by the respondent, it is stated in column no. 10 that the respondent had not belong to any political party. In column no. 11 of the said nomination form the priority of the election symbol requested is also a clear indication in respect of the candidature of the Respondent. The respondent contested and canvassed in the said election purely as an independent candidate and she defeated the rival candidates supported by the political front. On 24.03.2023 the respondent herein participated and addressed an agitation lead by the Barathiya Janatha Party (BJP) staged in front of the Kumarakam Grama Panchayat. The active role of the respondent in the said political agitation was witnessed by the petitioner while he was present in the office of the Kumarakam Grama Panchayat. Then the petitioner examined her voluntary declaration in Form No.2 and in the said declaration it is stated that she belongs to a



member of a political front ie; NDA and the said front includes BJP and BDJS. The respondent contested and elected as an independent candidate without the support of any political party or coalition. The respondent violated the assurance and promise tendered to the voters. The respondent won the election defeating the rival candidates fielded by the major political front. The respondent has no right or authority to join in a political party and to work for the same until her tenure is over. The respondent voluntarily abandoned the status of an independent elected member and commenced the political work for the BJP and on 24.03.2023 she openly participated in the agitation of BJP the respondent committed defection. The petitioner came to understand about the respondents act of joining the BJP only on 24.03.2023. The social media platforms are also being used by the respondent in order to express BJP loyalty. The cause of action for filing this petition arose on 17.11.2020 the date of nomination of the Respondent and on 21.12.2020 the date of declaration in Form No.2 and on 24.03.2023 the date on which the petitioner came to know about the Respondent act of joining the BJP and abandoned the Independent Member status of Kumarakam Grama Panchayat.

3. The Respondent's case in brief is as follows:

The petition is not maintainable either in law or in facts. The petition is only an imaginary story and a crooked narrative of something which had never happened and the petitioner has miserably failed to depict any legal or factual ground for disqualification of this respondent. The

