

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

**Thursday, the 15th day of January 2026 / 25th Pousha, 1947
WP(C) NO. 1502 OF 2026(K)**

PETITIONER:

**ADV. S. P. DEEPAK, AGED 56 YEARS, SON OF SREENIVASAN, RESIDING AT TC
30/1240 ROSE COTTAGE, NEAR PETTAH RAILWAY STATION, PETTAH P.O.,
THIRUVANANTHAPURAM, PIN - 695024**

RESPONDENT:

- 1. THE KERALA STATE ELECTION COMMISSIONER JANAHITHAM, TC -27/6(2),
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033**
- 2. STATE OF KERALA REPRESENTED BY ITS SECRETARY, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 3. THE SECRETARY THIRUVANANTHAPURAM MUNICIPAL CORPORATION, CORPORATION
OFFICE, THIRUVANANTHAPURAM, PIN - 695003**
- 4. CHEMBAZHANTHI UDAYAN, COUNCILLOR, WARD NO. 13 (MANNANTHALA),
THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: T.C. 9/737,
MADATHUVILAKATHU VEEDU, UDAYAMANGALAM, AANIYOOR, CHEMBAZHANTHI P.O.,
THIRUVANANTHAPURAM, PIN - 695587**
- 5. SUGATHAN R., COUNCILLOR, WARD NO. 20 (VAZHOTTUKONAM),
THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: T.C. 36/1223,
PUTHENVILA VEEDU, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM, PIN -
695013**
- 6. VISHNU MOHAN, COUNCILLOR, WARD NO. 42 (PANGODE), THIRUVANANTHAPURAM
MUNICIPAL CORPORATION, RESIDING AT: JANANI, PRA 87, 1107 PADAYANI
ROAD, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM, PIN - 695013**
- 7. SURYA V.S., COUNCILLOR, WARD NO. 50 (VALIYASALA), THIRUVANANTHAPURAM
MUNICIPAL CORPORATION, RESIDING AT: SEETHALAKSHMI COMPOUND, 23/19,
VALIASALA, CHALA P.O., THIRUVANANTHAPURAM, PIN - 695036**
- 8. SREEDEVI S.K., COUNCILLOR, WARD NO. 55 (PONNUMANGALAM),
THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: NADUVATHA
KIZHE VILA VEEDU, 880, MELAMCODE, NEMOM P.O., THIRUVANANTHAPURAM,
PIN - 695020**
- 9. PAPPANAMCODE SAJI, COUNCILLOR, WARD NO. 56 (MELAMCODE),
THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: SREE VISHAKH,
3410, PAPPANAMCODE P.O., THIRUVANANTHAPURAM, PIN - 695018**
- 10. R.C. BEENA, COUNCILLOR, WARD NO. 59 (NEDUMCAUD), THIRUVANANTHAPURAM
MUNICIPAL CORPORATION, RESIDING AT: RAJEEVAM, 756/1, ATTUKAL,
MANACAUD P.O., THIRUVANANTHAPURAM, PIN - 695009**
- 11. ASHANATH G.S., COUNCILLOR, WARD NO. 61 (KARUMAM), THIRUVANANTHAPURAM
MUNICIPAL CORPORATION, RESIDING AT: SOUDHANIVAS, 2494, VIVEK NAGAR,
KAIMANAM P.O., THIRUVANANTHAPURAM, PIN - 695018**
- 12. VAYALKKARA RATHEESH, COUNCILLOR, WARD NO. 63 (PUNKULAM),
THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: VAYALKKARA
VEEDU, 1479, PUNKULAM, VELLAYANI P.O., THIRUVANANTHAPURAM, PIN -**

695022

13. VINOD R., COUNCILLOR, WARD NO. 66 (CHERUVAIKKAL), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: KUNNIL VEEDU, 2644, CHOOLOOKONAM, SREEKARIYAM P.O., THIRUVANANTHAPURAM, PIN - 695017
14. GOPAKUMAR COUNCILLOR, WARD NO. 69 (THIRUVALLAM), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: MADHAVA NIWAS, 2011, PACHALLOOR, PACHALLOOR P.O., THIRUVANANTHAPURAM, PIN - 695027
15. SRUTHI S.S., COUNCILLOR, WARD NO. 73 (ATTUKAL), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: THOPPU VILAKATHU VEEDU, 641, CHIRAMUKKU, ATTUKAL, MANACAUD P.O., THIRUVANANTHAPURAM, PIN - 695009
16. V. GIRI, COUNCILLOR, WARD NO. 75 (KMALESWARAM), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: VISWESWARAM, 997, KBAC LANE, 38, MUTTATHARA, VALLAKKADAVU P.O., THIRUVANANTHAPURAM, PIN - 695008
17. SARITHA P., COUNCILLOR, WARD NO. 80 (MANACAUD), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: SABARI GIRI, 976, SREEVARAHAM, MANACAUD P.O., THIRUVANANTHAPURAM, PIN - 695009
18. HARIKUMAR S., COUNCILLOR, WARD NO. 82 (FORT), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: ONNAMPUTHAN THERUVU-2857, MANACAUD, MANACAUD P.O., THIRUVANANTHAPURAM, PIN - 695009
19. DEEPA S. NAIR, COUNCILLOR, WARD NO. 83 (PERUNTHANNI), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: T.C. 29/556, VATTAVILAKATHU PUTHEN VEEDU, PETTAH 195, PALKULANGARA, PETTAH P.O., THIRUVANANTHAPURAM, PIN - 695024
20. SUKANYA O., COUNCILLOR, WARD NO. 84 (SREEKANTESWARAM), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: UTHRADI VILAKAM VEEDU, 1259, SREEKANTESWARAM, SREEKANTEESWARAM P.O., THIRUVANANTHAPURAM, PIN - 695023
21. JAYA RAJEEV, COUNCILLOR, WARD NO. 92 (KADAKAMPALLY), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: VAYYAKAL VEEDU, 1911, ANAYARA, ANAYARA P.O., THIRUVANANTHAPURAM, PIN - 695029
22. SUNIL S.S., COUNCILLOR, WARD NO. 98 (ATTIPRA), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: MATHRAVILA VEEDU, 546, KARIAVATTOM, KARIAVATTOM P.O., THIRUVANANTHAPURAM, PIN - 695581
23. ADV. MINI P.S., COUNCILLOR, WARD NO. 101 (AKKULAM), THIRUVANANTHAPURAM MUNICIPAL CORPORATION, RESIDING AT: MINI VILASAM, 1447, THURUVIKKAL, THURUVIKKAL P.O., THIRUVANANTHAPURAM, PIN - 695011
24. THE DISTRICT COLLECTOR, 2ND FLOOR, CIVIL STATION, COLLECTORATE, KUDAPPANAKUNNU, THIRUVANANTHAPURAM, PIN - 695043

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order restraining the contesting Respondents (Respondents 4 to 23) from participating in the Council meetings, voting, drawing any honorarium, or exercising any power as Councillors of the Thiruvananthapuram Municipal Corporation, pending the final disposal of this Writ Petition.

This petition coming on for admission upon perusing the petition and

the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. BAPPU GALIB SALAM & BENOJ C. AUGUSTIN, Advocates for the petitioner, SRI.DEEPU LAL MOHAN, STANDING COUNSEL for the 1st respondent, GOVERNMENT PLEADER for the respondents 2 and 24 and of SRI.SUMAN CHAKRAVARTHY, STANDING COUNSEL for the 3rd respondent, the court passed the following: ,



P.V.KUNHIKRISHNAN, J.

WP(C). No. 1502 of 2026

Dated this the 15th day of January, 2026

O R D E R

Section 143 of the Kerala Municipality Act, 1994 (for short 'the Act 1994') says that the Councillors of the Municipality shall, before assuming charge of their office, make and subscribe an oath or affirmation, in the form set out for this purpose in the Third Schedule. The Third Schedule of the Act 1994 says that the oath is to be taken in the name of "God/solemnly affirm".

2. According to the petitioner, the party respondents took oaths in the name of "Gurudeva Namathil", "Udayannoor Deviyude Namathil", "Kavilammayde Namathil", "Bhagavath Namathil", "Sree Padmanabha Swamyude Namathil", "Bharathambayude Namathil", "Ente Prasthanathile Balidanikalude Peril", "Bharatha Mathavinte Namathil", "Thiruvallam Parasuramante Namathil", "Attukal Ammayude Namathil", "Sree Irumkulangara Durga

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Bhagavathiyude Namathil”, “Padmanabhanteyum Sree Mahavishnuvinteyum Namathil”, “Sreekanteswaran Ammayappan Namathil”, “Ayyappa Namathil”, “Karyavattom Sree Dharma Sasthavinte Namathil” etc. According to the petitioner, the oath taken by the petitioner is invalid. In think, in the light of Section 143 read with Third Schedule of the Act 1994, there is some force in the argument, which is to be considered in detail. As per the schedule, the oath is to be taken in the name of “God/ solemnly affirm”. God may be different for different people. Some people may think that, his god is a living person or the guru of a person or a god man. Nobody can blame them because it is their right and discretion. But, whether oath can be taken by a person in the name of a living person, his teacher, god man, etc. who are the god in his perspective, is an important question to be decided.

3. Prima facie, I am of the opinion that an arguable case is made out by the petitioner. Therefore, the Writ Petition is admitted.

4. The learned Standing Counsel for the State Election Commission takes notice for the 1st respondent. The

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learned Government Pleader takes notice for the respondent Nos. 2 and 24. The Standing Counsel for the Corporation takes notice for the 3rd respondent. Issue urgent notice to respondent Nos. 4 to 23.

The Oath taken by the respondent Nos. 4 to 23 will be subject to the result of this Writ Petition.

Sd/-**P.V.KUNHIKRISHNAN****JUDGE**

SPV