



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 39894 OF 2024

PETITIONERS:

- 1 ABDUL MUTHALIB T.P., AGED 70 YEARS, S/o MAMMU T.K,  
RAZIYA MANZIL, KALIKADAV, PADNE,  
KASARGOD, PIN - 671312.
- 2 AHAMED SHEREEF HAJI, AGED 66 YEARS, S/o A.R.MAHIN HAJI,  
BAITHUL RAHMA, THEKKEPURAM,  
PADNE P.O, KASARGODE, PIN - 671312.

BY ADVS. M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR  
SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA  
N.K., NANDA SURENDRAN, SAHAL SHAJAHAN, AQUIN KURUVILLA  
TOM & M.N.MOHAMMED HUSSAIN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT,  
THIRUVANANTHAPURAM, PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION,  
CORPORATION OFFICE COMPLEX, LMS JUNCTION,  
PALAYAM, THIRUVANANTHAPURAM, PIN - 695033.
- \*3 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE,  
KOZHIKODE, PIN - 678 001. (\*CORRECTED)

\*THE NAME AND ADDRESS OF R3 IS SUBSTITUTED AS

DELIMITATION COMMISSION, OFFICE OF THE STATE  
ELECTION COMMISSION, CORPORATION OFFICE COMPLEX,  
LMS JUNCTION, PALAYAM, THIRUVANANTHAPURAM-695  
033.



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

2

- \*\*3** DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE,  
KOZHIKODE, PIN - 678 001.
- \*\*4** SECRETARY,  
PADNE GRAMA PANCHAYAT, KASARGODE, PIN - 671312.
- \*\*5** REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS,  
NDCC BUILDING-II, JAISINGH ROAD, NEW DELHI,  
PIN - 110001.

**\*\*THE PRESENT R3 TO R5 IS RENUMBERED AS R4, R5  
AND R6 AS:**

**R4** DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE,  
KASARGODE, PIN - 671123.

**R5** SECRETARY,  
PADNE GRAMA PANCHAYAT, KASARGODE, PIN -  
671312.

**R6** REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME  
AFFAIRS, NDCC BUILDING-II, JAISINGH ROAD,  
NEW DELHI, PIN - 110001.

THE ABOVE AMENDMENT IS MADE VIDE ORDER DATED  
18-11-2024 IN IA.NOS. 1/2024, 2/2024 AND 3/2024  
IN WP(C) .NO.39894/2024.

SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA  
SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SRI. T.C.KRISHNA, SCGC  
SRI. JAYAKUMAR NAMBOODIRI, SC  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C) .NOS.39810, 39848, 39939, 39989, 40460  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 39810 OF 2024

PETITIONER:

AYYOOB M.P.K., AGED 44 YEARS,  
S/O. YOUSUF, BUSINESS, RESIDING AT PUTHAN MADATHIL  
HOUSE, PERINGATHUR.P.O, THALASSERY TALUK, KANNUR  
DISTRICT, PIN - 670675.

BY ADV. SRI. R.SURENDRAN

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT  
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM,, PIN - 695033.
- 4 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE, KANNUR, PIN  
- 670002.
- 5 SECRETARY, PANOOR MUNICIPALITY,  
PANOOR.P.O., KANNUR DISTRICT, PIN - 670692.

SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

4

SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SRI.P.A.MOHAMMED SHAH, SC FOR R5  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C) .NOS.39894, 39848, 39939, 39989, 40460  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 39848 OF 2024

PETITIONERS:

- 1      ABDUL GAFOOR, AGED 53 YEARS,  
         S/O AHAMMEDKUTTY, PULPARAMBIL HOUSE, KALLURUTTY.P.O,  
         OMASERY VIA, KOZHIKKODE, PIN - 673582.
- 2      A.P.UMMER, AGED 59 YEARS,  
         S/O PAKKAR, IRUMBIDAKANDY HOUSE, KALLURUTTY.P.O,  
         OMASERY VIA, KOZHIKKODE, PIN - 673582.
- 3      ABDUL NAZAR, AGED 58 YEARS,  
         S/O ALIKUTTY HAJI, AGED 58 YEARS, KAVUNGAMKUZHIYIL  
         HOUSE, VAVAD P.O, NELLANKANDI, KODUVALLY, KOZHIKKODE,  
         PIN - 673572.
- 4      V. ABDURAHIMAN, AGED 63 YEARS,  
         S/O MOIDEEN,VELLARAMMAL HOUSE, KAVUNGAMKUZHIYIL HOUSE,  
         VAVAD P.O, KODUVALLY, KOZHIKKODE, PIN - 673572.
- 5      A.P. KUNJABDULLA, AGED 70 YEARS,  
         S/O MAMMAD, GREEN DAEL, PAYYOLI,KOZHIKKODE, PIN -  
         673522.
- 6      V.K.ABDURAHIMAN, AGED 60 YEARS,  
         S/O MOIDU, VADAKKE KANJIROLI, PAYYOLI, KOZHIKKODE, PIN  
         - 673572.

BY ADVS.M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR  
SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA  
N.K., NANDA SURENDRAN, SAHAL SHAJAHAN, AQUIN KURUVILLA  
TOM & M.N.MOHAMMED HUSSAIN



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

6

**RESPONDENTS:**

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM,  
PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- \*4 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE, PALAKKAD,  
PIN-678001. (CORRECTED)  
  
\* THE ADDRESS OF THE FOURTH RESPONDENT IS CORRECTED AS  
"DISTRICT ELECTION OFFICER, OFFICE OF THE DISTRICT  
COLLECTOR, COLLECTORATE KOZHIKODE, PIN-673020." AS PER  
ORDER DATED 18.11.2024 IN I.A.NO.1/2024 IN  
WP (C) .NO.39848/2024.
- 5 SECRETARY,  
MUKKAM MUNICIPALITY, MUKKAM.P.O., KOZHIKODE DISTRICT,  
PIN - 673602.
- 6 SECRETARY,  
KODUVALLY MUNICIPALITY, KODUVALLY.P.O., KOZHIKODE  
DISTRICT, PIN - 673572.
- 7 SECRETARY,  
PAYYOLI MUNICIPALITY, PAYYOLI.P.O., KOZHIKODE DISTRICT,  
PIN - 673522.
- 8 REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, NDCC  
BUILDING-II, JAISINGH ROAD, NEW DELHI, PIN - 110001.  
  
SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA  
SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
ADV. SRI. SURESH KUMAR KODOTH FOR R5



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

7

SRI. ACHUTH KRISHNAN R, CGC FOR R8  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER  
SMT.K.REEHA KHADER, SC  
SRI.MUHAMMED SHAFI M., SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C) .NOS.39894, 39810, 39939, 39989, 40460  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 39939 OF 2024

PETITIONERS:

- 1 GEO JACOB, AGED 49 YEARS,  
S/O. VARKEY, PUTHUPPARAMBIL, CHEMPANTHOTTY P.O.,  
KANNUR, PIN - 670631.
- 2 MOHANAN M. P., AGED 63 YEARS,  
ADVOCATE, S/O. KRISHNAN, 'AKHILAM', KOOTTUMUGHAM P.O.,  
KANNUR, PIN - 670631.

ADV. SRI. GEORGE POONTHOTTAM (SR.) ALONG WITH ADVS.M/S.  
NISHA GEORGE, SIDHARTH.R.WARIYAR & FATHIMA AMREEN JAMAL

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY, LOCAL  
SELF GOVERNMENT DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 STATE DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 4 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, CIVIL STATION,  
COLLECTORATE ROAD, KANNUR, PIN - 670002.
- 5 SREEKANDAPURAM MUNICIPALITY,



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

9

REPRESENTED BY ITS SECRETARY, SREEKANDAPURAM, KANNUR,  
PIN - 670631.

6 REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, NDCC  
BUILDING-II, JAISINGH ROAD, NEW DELHI, PIN - 110001.

SRI. ACHUTH KRISHNAN R. CGC FOR R6  
SRI. DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA  
SRI. DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SMT. K.R. DEEPA, SPL. GOVERNMENT PLEADER  
SRI. T.V. JAYAKUMAR NAMBOODIRI, SC,  
SRI. T.C. KRISHNA, SCGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C).NOS.39894, 39810, 39848, 39989, 40460  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 39989 OF 2024

PETITIONERS:

- 1 ANWAR ALI K., AGED 47 YEARS,  
S/O MUHAMMED KUTTY, ARAFA HOME 8/4, CHUNGAM FEROKE,  
KOZHIKKODE, PIN - 673631.
- 2 K.M. HANEEFA, AGED 46 YEARS,  
S/O ACHAMU K., PULLUNNIPPADAM HOUSE,  
KARUVANTHURUTHI.P.O, FEROKE, KOZHIKKODE, PIN - 673631.

BY ADV. SRI. MUHAMED JUNAID V.

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY,  
REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT  
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- \*4 [DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE, PALAKKAD,  
PIN - 678 001.] \*CORRECTED

\*THE ADDRESS OF THE 4TH RESPONDENT IS CORRECTED AS  
"DISTRICT ELECTION OFFICER, OFFICE OF DISTRICT



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

11

COLLECTOR, COLLECTORATE, KOZHIKODE, PIN-673020." AS PER  
ORDER DATED 18.11.2024 IN I.A.NO.1/2024 IN  
WP (C) .NO.39989/2024.

5 SECRETARY,  
FEROKE MUNICIPALITY, FEROKE.P.O., KOZHIKODE DISTRICT,  
PIN - 673602.

6 REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS,NDCC  
BUILDING-II, JAISINGH ROAD,NEW DELHI, PIN - 110001.

SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA

SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER

SRI. P.A.MOHAMMED SHAH, SC FOR R5

SRI. ACHUTH KRISHNAN R., CGC FOR R6

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C).NOS.39894, 39810, 39848, 39939, 40460  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

12

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 40460 OF 2024

PETITIONER:

ABDUL HAKKIM RASI, AGED 43 YEARS,  
S/O ABDUL SALAM, CHIRACKAL HOUSE, SANKARAMNAGALAM, CKM  
COLONY, PATTAMBI, PALAKKAD, PIN - 679303.

BY ADVS. M/S.P.A.MOHAMMED SHAH, RENOY VINCENT,  
SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY,  
ABEE SHEJIRIK FASLA N.K, NANDA SURENDRAN,  
SAHAL SHAJAHAN, AQUIN KURUVILLA TOM &  
M.N.MOHAMMED HUSSAIN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM,  
PIN - 695001.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION, CORPORATION  
OFFICE COMPLEX, LMS JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 4 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE, PALAKKAD,  
PIN - 678001.
- 5 SECRETARY,



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

13

PATTAMBI MUNICIPALITY, PATTAMBI.P.O., PALAKKAD DISTRICT,  
PIN - 679303.

6 REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, NDCC  
BUILDING-II, JAISINGH ROAD, NEW DELHI, PIN - 110001.

SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA

SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER

SHRI.A.HAROON RASHEED, SC  
CENTRAL GOVERNMENT COUNSEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C).NOS.39894, 39810, 39848, 39939, 39989  
AND 40592 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

14

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 18<sup>TH</sup> DAY OF DECEMBER 2024 / 27TH AGRAHAYANA, 1946

WP(C) NO. 40592 OF 2024

PETITIONERS:

- 1 E.P.SHAMSUDHEEN, AGED 57 YEARS,  
S/O T P UMMER, DARUL FALAH, PALOTTUPALLY P.O.,  
MATTANNUR, CHAVASSERY, KANNUR, PIN - 670702.
- 2 O.K.PRASAD KUMAR, AGED 44 YEARS,  
S/O KUNHIRAMAN NAMBIAR, MANGALATHVAYAL, METTADI P.O.,  
PORORACHAVASSERY, KANNUR, PIN - 670702.

BY ADVS. M/S.P.A.MOHAMMED SHAH, RENOY VINCENT,  
SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY,  
ABEE SHEJIRIK FASLA N.K, NANDA SURENDRAN,  
SAHAL SHAJAHAN, AQUIN KURUVILLA TOM &  
M.N.MOHAMMED HUSSAIN

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT  
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695033.
- 2 STATE ELECTION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION,CORPORATION  
OFFICE COMPLEX, LMS JUNCTION,PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 3 DELIMITATION COMMISSION,  
OFFICE OF THE STATE ELECTION COMMISSION,CORPORATION  
OFFICE COMPLEX, LMS JUNCTION,PALAYAM,  
THIRUVANANTHAPURAM, PIN - 695033.
- 4 DISTRICT ELECTION OFFICER,  
OFFICE OF DISTRICT COLLECTOR, COLLECTORATE, KANNUR, PIN



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

15

- 670002.

5 REGISTRAR GENERAL AND CENSUS COMMISSIONER,  
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, NDCC  
BUILDING-II, JAISINGH ROAD, NEW DELHI, PIN - 110001.

6 SECRETARY,  
MATTANNUR MUNICIPALITY, MATTANNUR, KANNUR, PIN -  
670702.

SRI.DEEPU LAL MOHAN, SC, STATE ELECTION COMMISSION,  
KERALA

SRI.DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION  
SMT. K.R.DEEPA, SPL. GOVERNMENT PLEADER  
SRI.RAJAGOPALAN A., CGC FOR R5  
SRI. P.V.ANOOP, SC FOR R6

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
2.12.2024, ALONG WITH WP(C).NOS.39894, 39810, 39848, 39939, 39989  
AND 40460 OF 2024, THE COURT ON 18.12.2024 DELIVERED THE  
FOLLOWING:



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

16

MOHAMMED NIAS C. P. , J.

=====

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

=====

Dated this the 18<sup>th</sup> day of December, 2024

### J U D G M E N T

These writ petitions are filed for a declaration that the Kerala Municipality (Second Amendment) Act, 2024, and the Kerala Panchayat Raj (Second Amendment) Act, 2024, dated 9-7-2024 is *ultra vires* the Constitution of India and the Kerala Municipality Act, 1994, and the Kerala Panchayat Raj Act, 1994, in so far as it directs delimitation without fulfilling the mandate of Section 6(2) of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994. There is also a prayer to quash the notification dated 10.9.2024 issued by the Government and also, the guidelines issued by the State Delimitation Commission.

2. The petitioners in WP(C). No.39894/2024, residents of the 5<sup>th</sup> respondent Grama Panchayat, are aggrieved by Ext.P5 - Kerala Panchayat Raj (Second Amendment) Act, 2024, Ext.P7, the notification increasing the number of wards in the respondent Panchayat and consequent guidelines, Ext.P8 issued by the 3<sup>rd</sup> respondent Delimitation Commission under Section 10 of the Kerala Panchayat Raj Act, 1994, to the extent Clause 2(d) provides delimitation based on the Census,



2011. It is the submission of the petitioners, that, the 5<sup>th</sup> respondent Grama Panchayat has already been subjected to a delimitation process in 2015 when a part of Ward No.1 (Ori) was declared as a “smaller urban area” under Article 243B of the Constitution of India and became part of Neeleswaram Municipality. The 3<sup>rd</sup> respondent had passed Ext.P4 delimitation order regarding the 5<sup>th</sup> respondent Panchayat fixing the number of revised wards as 15 and the entire exercise was carried out based on the population data published from the Census 2011.

3. The petitioners essentially contend that the power to vary the number of seats can be exercised by the Government only after proper ascertainment of the actual population and the present attempt by amending Section 6(3) of the Kerala Panchayat Raj Act, 1994, is to create a situation whereby the number of seats of the Councillors shall be mandatorily varied, resulting in consequent delimitation. Thus, contenting that Ext.P5 is an indirect attempt to do what is directly not permissible in law and that, Ext.P8 guidelines providing for re-determination, fixing the boundaries of the Panchayats across the State based on Census, 2011, which was carried out in the 5<sup>th</sup> respondent Panchayat in the year 2015, the writ petitioners pray for declaring Ext.P5 amendment as *ultra vires* and consequently, challenges Ext.P7 notification increasing the number of wards in the Panchayat from 15 to 16 and also, challenging Ext.P8 guidelines for delimiting the wards, which proposes to carry out re-determination of the boundaries of wards in all grama panchayats across Kerala based on Census, 2011.



4. The petitioner in WP(C). No. 39810/2024 is a Councillor of Ward No.18 of Panoor Municipality. It is stated that the said Municipality was formed in 2015 based on the 2011 Census. The writ petition is accordingly filed for quashing Ext.P8 notification issued by the 1<sup>st</sup> respondent in so far it relates to Panoor Municipality and also, to quash all other proceedings pursuant to Ext.P10 to the extent it related to the Panoor Municipality again on similar grounds as in the above referred writ petition.

5. The petitioners in WP(C). No.39848/2024, residents of respondents 5 to 7 Municipalities, namely, Mukkam Municipality, Koduvally Municipality and Payyoli Municipality in Kozhikode District, challenge the Kerala Municipality (Second Amendment) Act, 2024 (Ext.P9), Ext.P10 notification increasing the number of wards in respondents 5 to 7 Municipalities and also, Ext.P11 consequential guidelines issued by the Delimitation Commission under Section 69 of the Kerala Municipality Act, to the extent of providing for delimitation to be carried out based on the Census, 2011. In this case, also, the contention is that respondents 5 to 7 Municipalities were already subjected to a delimitation process in the year 2015 and were converted as Municipalities based on the 2011 Census and that, Exts.P3 to P5 final delimitation orders were passed fixing the number of revised wards in those Municipalities based on Census, 2011.

6. The petitioners in WP(C). No.39939/2024 are residents of 5<sup>th</sup> respondent Sreekandapuram Municipality challenging the Kerala Municipality (Second



Amendment) Act, 2024, the notification increasing the number of wards and the consequential guidelines issued by the Delimitation Commission to the extent it provides for delimitation exercise to be carried again on the strength of Census 2011, as they contend that the 5<sup>th</sup> respondent Municipality was already subjected to delimitation process in 2015 when it was converted into a Municipality. Since a second delimitation process based on the same census data is illegal, relief is sought to declare the Kerala Municipality (Second Amendment) Act, 2024 as *ultra vires* to the Constitution of India.

7. The petitioners in WP(C). No. 39989/2024 challenges the Kerala Municipality (Second Amendment) Act, 2024, the notification and the consequential guidelines issued by the Delimitation Commission directing delimitation of wards based on the Census, 2011. The contention is that the respondent Feroke Municipality had already undergone a delimitation process in the year 2015 following which it was converted as a Municipality and the boundaries and number of wards were fixed as 38 in the final delimitation order (Ext.P3) based on Census, 2011. As the Municipality had already undergone delimitation in 2015 based on the 2011 Census, the attempt to re-determine the boundaries and wards based on the same data is attacked as illegal.

8. The petitioner in WP(C). No. 40460/2024 is a resident of the 5<sup>th</sup> respondent Pattambi Municipality which was previously a Panchayat and converted as a Municipality in 2015. Contending that the Kerala Municipality



(Second Amendment) Act, 2024, so far it amends Section 6(3) of the Act increasing the number of wards and resulting in a delimitation exercise in a Municipality, which has already undergone a change in the number of wards in 2015 based on 2011 Census, similar prayers on similar grounds are made.

9. The petitioners in WP(C). No.40592/2024, who are the residents of the 6<sup>th</sup> respondent Mattanur Municipality submit that the Municipality had undergone delimitation in the year 2017 based on the 2011 Census and a repeated delimitation based on the same census is illegal. It is also their argument that since the Central Government has announced the census, in 2025, and the next election to the Municipality is only to take place in 2027, the current attempt to vary the strength of wards is illegal. Based on the above contentions, the amendment to the Act, the notification increasing the number of wards and the guidelines to carry out the delimitation of wards are challenged in this writ petition.

10. The learned counsel for the petitioners argued, on the basis of Article 243P(g) of the Constitution of India, that population as far as a local authority is concerned can be only the figures obtained in the last preceding census which is published. Relying on Section 6 of the Kerala Municipality Act, 1994, it is the argument of the learned Senior counsel, Sri. George Poonthottam, instructed by Sri.Sidharth R.Wariyar, learned counsel appearing for the petitioner in WP(C) No.39939/2024, Sri.Mohammed Shah, learned counsel for the petitioners in WP(C).Nos.39894, 39848, 40460 and 40592 of 2024, Sri.R.Surendran, learned counsel



for the petitioner in WP(C). No.39810/2024 and Sri. Muhamed Junaid V. learned counsel for the petitioner in WP(C). No.39989/2024, that, new municipalities were constituted in the year 2015 based on the 2011 Census which is the last preceding Census. As such, invoking the power under Section 6(2) of the Kerala Municipality Act, the total number of seats can be varied only based on the next census and not otherwise. It is further argued that a delimitation exercise, contemplated under Section 69 of the Kerala Municipality Act, can also be done only if a variation in the total number of seats as provided under Section 6 of the Kerala Municipality Act happens.

11. The petitioners argue that the intention behind Article 243C as well as Sections 10 and 69 of the Panchayat Raj Act and Municipality Act respectively is to ensure equal representation and equal allocation of resources and it is for achieving the said objective that Section 6(2) of the respective Acts mandate publication of relevant data of the last Census to ascertain the population. The act of the Government through the Amendment Act to forcefully invoke the delimitation process even without complying with the requirement under Section 6(2) is challenged as being an indirect attempt to do what is directly not possible. It is also argued that the stand of the Government, in 2015 there was no delimitation and what was done was only on account of urbanisation, is wrong as in at least 8 municipalities, the number of wards has remained unchanged. It is also pointed out that an amendment was attempted in the previous year, which, through judgment



dated 23.6.2020 in WP(C). No.6514/2020 and connected cases (*Ext.P7 in WP(C). No.39939/2024*), were not carried out recording the stand of the Government that since there is no change in the strength of Municipalities and Municipal Corporations notified by the Government under Section 6 of the Kerala Municipality Act, 1994, it is not incumbent on the State Delimitation Commission to undertake the task of delimitation of constituencies of Local Self Government Institutions in Kerala and now the same is being attempted indirectly.

12. Opposing the prayers in the writ petitions, learned Special Government Pleader, Smt.K.R.Deepa, argues that the exercise carried out at the time of the formation of Municipalities in the year 2015 was on the basis of urbanisation and those formations, though were made on the basis of 2011 Census, the Census alone was not the criteria for undertaking the exercise of formation/re-constitution of the local bodies at that point of time. Accordingly, the submission is that it was not the power under Section 6(2) that was invoked in 2015. It is submitted that the power of the Government to fix the total number of seats and the power of the Delimitation Commission to rearrange the wards in terms of the exercise carried out by Section 6 is not in dispute. It is submitted that the number of seats is increased in this case taking into account the increase in the population, whereby the wards have been increased, resulting in more Councillors representing fewer citizens.

13. Smt.K.R.Deepa, also argues that Section 6(3) was amended in 2024 using the legislative power conferred on the Legislature of the State under Part IX of the



Constitution. In 2015, only a few local bodies had undergone delimitation. The reason for this was not the increase in the population or the Census in the year 2011, but the urbanisation. In all other local bodies, the delimitation of Wards was done in 2010 based on the Census in 2001 and thereafter no delimitation was done based on the 2011 census. Section 6(3) of the Kerala Panchayat Raj Act, 1994, and the Kerala Municipality Act, 1994, were not amended in 2015 when the delimitation was done. The local body elections are to be conducted in 2025 and the next census may be in 2026 or afterwards. So, to reduce the ratio between the population and the number of Councillors for administrative convenience, sub-section (3) of Section 6 is amended using the power conferred on the State Government as per Part IX of the Constitution. Even in the case of local bodies in which the delimitation is done in 2015, nine years have elapsed and there is a considerable increase in the population. So, the amendment will be beneficial to the people residing in those local bodies also. The power of legislation in respect of the local bodies is conferred to the State Legislature under the Constitution and is not restricted by any provisions of the Act as it is an independent power.

14. The learned counsel, Sri. Deepu Lal Mohan, appearing for the State Delimitation Commission, argues that the powers under Sections 6(1) and 6(2) are entirely different. Section 6(1) also gives the power to vary the total number of seats just as Section 6(2) which is the power based on the figures published in a census. He also argues that if the interpretation suggested on behalf of the petitioners is



accepted, then the power granted to the Government under Section 4 for the formation/re-constitution of a new local authority will be frustrated and no argument that defeats one of the provisions in the statute should be accepted. It is also argued that as far as the municipalities that were not re-constituted in 2015, the invocation of power by the Government on the Delimitation Commission cannot be said to be bad as those wards were fixed based on the 2001 Census and therefore, the argument that since the 2011 Census has been used for determining the number of wards, the Government will have to wait till the next census, does not apply to those panchayats or municipalities which were formed before 2015, for which the 2011 Census was not used.

15. Heard learned Counsel appearing on both sides and perused the records.

16. The petitioners' challenge is based on the argument that the delimitation process, utilising the 2011 Census data, has already been carried out in the respondent Panchayats and Municipalities. The fixation of strength under Section 6(3) using the 2011 Census data satisfies the legislative intent as reflected in Section 69 of the Kerala Municipality Act. Therefore, initiating a fresh delimitation process, particularly when the next Census is scheduled for 2025, is alleged to be arbitrary, unnecessary, and financially burdensome on the exchequer. The arguments, as stated above, revolve around whether Ward delimitation can be carried out based on the very same Census data twice and whether the power under



Section 6(1) can be used more than once after the formation/reconstitution of a Municipality/Panchayat, as the case may be.

17. The question in all these cases relating to the interpretation of Sections 4, 6 and 69 of the Kerala Municipality Act and the corresponding provisions in the Kerala Panchayat Raj Act, has to be considered in the background of the Constitutional provisions in Article 243. Part IX of the Constitution concerns Panchayats and Part IXA concerns Municipalities. As far as Municipalities are concerned, the provisions relevant herein are Article 243P and Article 243Q, which are reproduced below:

**'243P. Definitions.--**

*In this Part, unless the context otherwise requires,--*

- (a) "Committee" means a Committee constituted under Art.243S;
- (b) "district" means a district in a State;
- (c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be Metropolitan area for the purposes of this Part;
- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-government constituted under Art.243Q;
- (f) "Panchayat" means a Panchayat constituted under Art.243B;
- (g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.'

**'243Q. Constitution of Municipalities.--**

(1) There shall be constituted in every State--

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area,



*in accordance with the provisions of this Part:*

*PROVIDED that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.*

*(2) In this article, “a transitional area”, “a smaller urban area” or “a larger urban area” means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.'*

Article 243P(d) defines 'Municipal area' as the territorial area of a Municipality as notified by the Governor and Article 243P(e) defines 'Municipality'. Article 243P(g) gives the meaning of the 'population' as follows:

*“ “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.”*

18. The relevant provisions of the Kerala Municipality Act, 1994, are extracted below:

**“4. Constitution, alteration and conversion of Municipalities.--** (1) The Government shall, by notification in the Gazette, constitute with effect from such date as specified in the notification,-

(a) a “Town Panchayat” for a transitional area;

(b) a “Municipal Council” for a smaller urban area; and

(c) a “Municipal Corporation” for a larger urban area, and specify the names of such Municipalities.

(2) The Government may, by notification-

(a) exclude any Municipal area from the operation of this act; or

(b) exclude from a municipal area comprised therein and defined in the notification; or

(c) divide any municipal area into two or more municipal areas; or

(d) unite two or more municipal areas; or



- (e) unite the territorial area of a Panchayat geographically lying adjacent to a Municipal area, with the Municipality; or
- (f) convert a Village Panchayat into a Town Panchayat or a Municipal Council; or
- (g) convert a Town Panchayat into a Municipal Council; or
- (h) convert a Municipal Council into a Municipal Corporation:

Provided that, before issuing such a notification the requirements under Article 243Q and sub-section (1) shall be fulfilled and the suggestions and opinions of the Village Panchayat or Town Panchayat or Municipal Council or Municipal Corporation concerned, shall be considered.

Provided further that any notification issued under this sub-section shall not be brought into force except in such a way as to coincide with the expiry of the term of the existing Municipal Council or Village Panchayat in that territorial area.”

Section 6 of the Kerala Municipality Act, 1994, reads as follows:

**“6. Constitution of Council.—** (1) The Government shall, in accordance with the criteria specified in sub-section (3), notify the total number of seats of the Councillors to be filled up by direct election in a Town Panchayat, Municipality and Municipal Corporation considering the population of the area of the Municipality concerned.

(2) The Government may, after publishing the relevant data according to each census, **vary** the total number of seats of Councillors in a Municipality notified under sub-section (1) subject to the criteria specified in sub-section (3).

(3) The number of seats of Councillors notified under sub-section (1) or sub-section (2), shall be,—

(a) In the case of a Town Panchayat or a Municipal Council,—

(i) Twenty-five, where the population in the area of the Town Panchayat or Municipal Council does not exceed twenty thousand, and

(ii) Where the population of the Town Panchayat or Municipal Council exceeds twenty thousand, twenty-five councillors for the population of first twenty thousand, and one each for every two thousand and five hundred of the population exceeding twenty thousand, subject to a maximum of fifty-two Councillors;

(b) In the case of a Municipal Corporation,—

(i) fifty-five, where the population in the area of the Municipal Corporation does not exceed four lakhs, and

(ii) Where the population exceeds four lakhs, fifty-five councilors for the population of first four lakhs and one each for every ten thousand exceeding four lakhs subject to a maximum of one hundred Councillors.

(4) The Councillors of every Municipality shall be elected by direct election.

(5) Specified seats shall be reserved for the Scheduled Castes and the Scheduled



*Tribes in every Municipality. The number of seats to be reserved in a Municipality shall be determined by the Government. The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats may be allotted by rotation to different wards in a Municipality as the State Election Commission or an officer authorised by it may, determine for each general election:*

*Provided that where the population of the Scheduled Castes or the Scheduled Tribes in a municipal area is not sufficient to make them eligible for the reservation of any seat, one seat shall be reserved in that Municipality for the Scheduled Castes or the Scheduled Tribes having higher population.*

*(6) Fifty per cent (in the case of fraction, it shall be fixed to the next higher integer) of the total number of seats reserved under sub-section (5) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes:*

*Provided that where the number of seats reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes under sub-section (5) is only one, that seat need not be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.*

*(7) Fifty per cent (in the case of fraction, it shall be fixed to the next higher integer) (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved by the Government for women and such seats may be allotted by rotation to different wards in a Municipality as the State Election Commission or an officer authorised by it may, by notification in the Gazette, determine for each general election.*

*(8) Nothing contained in sub-sections (5) to (7) shall be deemed to prevent persons belonging to the Scheduled Castes, Scheduled Tribes or Women from being a candidate to the election to the unreserved seats in a Municipality.*

*(9) The officer authorised in this behalf by the State Election Commission shall, by draw of lots, determine the wards to which seats reserved for Scheduled Castes and Scheduled Tribes under sub-section (5) and for Women under sub-sections (6) and (7) are to be allotted by rotation at such time and on such date and at such place as may be notified by the Commission.*

*(10) Immediately after deciding the reserved wards under sub-section (9), the State Election Commission shall notify the list of wards so reserved, in the manner prescribed.”*

Section 69 of the Kerala Municipality Act, 1994, reads as follows:

**“69. Division of Municipalities into wards for election, reservation etc.—**(1) For the purpose of election of Councillors to Municipalities, the Delimitation Commission constituted by Government under sub-section (1) of Section 10 of the Kerala Panchayat Raj Act, 1994, shall, after previous publication of the proposals inviting objections or suggestions, if any and after considering the same, divide the Municipalities into as many wards as there are number of seats as notified under section 6 and determine the boundaries thereof:



*Provided that the population of each ward in a Municipality shall, as far as practicable, be equal.*

*(2) Copies of the proposals published and final orders issued under sub-section(1) shall be published by affixing copies thereof on the notice board of the office of the Municipality concerned, and in such conspicuous places within the concerned municipal area. The fact of such publication shall be published in the Gazette and in two local newspapers having wide circulation within the municipal area concerned.*

*(2A) Every order issued by the Delimitation Commission with regard to the division of wards and the determination of their boundaries under this section shall be published in the Gazette and it shall have the force of law.*

*(3) Only one Councillor shall be elected for each ward and election shall be by secret ballot.*

*(4) A person whose name has been included in the electoral roll of a ward shall be entitled to vote in an election to that ward.*

*(5) No delimitation of wards or change of wards for the purpose of reservation shall be made in a Municipality after its constitution except for the purpose of general election to that Municipality and no such delimitation or change of wards shall, in any manner, affect the existing Municipality.”*

19. Sections 6 and 10 of the Kerala Panchayat Raj Act, 1994, read as follows:

**“6. Strength of Panchayats.** - (1) The total number of seats in a Village Panchayat, a Block Panchayat and a District Panchayat to be filled by direct election shall be notified by the Government in accordance with the scale specified in sub-section (3) with reference to the population of the territorial area of the panchayat concerned.

(2) The Government may after, publication of the relevant figures of each census, by notification **alter** the total number of seats in a Panchayat notified under sub-section (1) subject to the scale specified in sub-section (3).

(3) The number of seats to be notified under sub-section (1) or sub-section (2) shall not, -

(a) in these case of Village Panchayat, be less than thirteen or more than twenty-three;

(b) in these case of a Block Panchayat, be less than thirteen or more than twenty-three;

(c) in these case of a District Panchayat, be less than sixteen or more than thirty-two;

*Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayats to be filled by election shall, so far as practicable, be the same throughout the State.*

(4) The procedure for fixing the strength of a Panchayat shall be such as may be



prescribed.

XXXX XXXX XXXX XXXX

**10. Division of Panchayats into constituencies.** - (1) The Government shall by notification in the Gazette, constitute a Delimitation Commission consisting of the State Election Commission as the Chairman and four Officers, not below the rank of Secretary to Government, as members. The said Delimitation Commission shall, as soon as may be after fixing the strength of a Panchayat at any level under section 6 and after determining the number of seats to be reserved for Scheduled Castes, Schedules Tribes and for Women, --

(a) divide every Panchayat into as many constituencies as there are seats and fix the boundaries of such constituencies:

Provided that the population of each constituency shall, as far as practicable, be the same throughout the Panchayat area:

Provided further that where the territorial area of a Block Panchayat is divided into constituencies, the boundaries of such constituencies shall not divide any constituency of any Village Panchayat and where the territorial area of a District Panchayat is divided into constituencies the boundaries of such constituencies shall not divide any constituency of any Village Panchayat or of any Block Panchayat, into more than one division.

(1A) The officers for the functioning of the Delimitation Commission, procedure for the conduct of meeting including quorum and other related matters shall be such, as may be prescribed.

(1B) The State Election Commission or the officer authorised by it in this behalf shall, on determination by the Government of the number of seats to be reserved, earmarked and constituency or constituencies to be reserved for Schedules Castes, Schedules Tribes or Women.

(2) The Delimitation Commission shall, -

(a) publish the proposal of the Delimitation Commission in respect of the matters mentioned in clause (a) of sub-section (1), with a notice specifying the date on or after which the proposals will be considered by it and by inviting objections and suggestions with respect to the proposals before a date specified in the notice, by affixing copies thereof on the notice board of the Office of the Panchayat concerned and in such conspicuous places within the Panchayat area concerned;

(b) publish in the Gazette and in any two local newspapers having wide circulation within the Panchayat area concerned the fact of publication under clause (a);

(c) consider all objections and suggestions that may have been received by the Delimitation Commission before the date so specified; and

(d) delimit the constituencies.

(2A) The officer authorised by the State Election Commission in this behalf shall determine, as to which constituency, the constituencies reserved for Scheduled Castes, Schedules Tribes or Women shall be allotted according to rotation, by draw of lots at the



*time, date and place fixed by the Commission in this behalf, by notification.*

*(2B) After the draw of lots under sub-section (2A), the State Election Commission or the officer authorised by it shall issue an order determining the constituency reserved for the Scheduled Castes, Scheduled Tribes or Women.*

*(3) An order made by the State Election Commission or the officer authorised by it or the Delimitation Commission shall not be called in question in any Court of law.*

*(3A) Every order issued by the Delimitation Commission with regard to the delimitation of constituencies under this section shall be published in the gazette and shall have the force of law.*

*(4) The Delimitation Commission shall furnish free of cost three copies each of the proposals published and the final orders issued under sub-section (2) to the committees at the Panchayat level concerned of all political parties having representation in the Legislative Assembly and copies of such orders shall also be made available for sale, at the price fixed by the Delimitation Commission, to all the public who require them."*

20. In 2015, the 1<sup>st</sup> respondent used their authority under Articles 243P and 243Q of the Constitution to designate certain areas of existing Grama Panchayats and Municipalities as 'Smaller Urban Areas' and 'Larger Urban Areas' through G.O.(P) No. 145/2015/LSGD. Population data is essential for determining the number of seats, as outlined in Chapters IX and IXA of the Constitution and the relevant State laws. The petitioners claim that any increase in seats must comply with Constitutional and statutory requirements; otherwise, it would lead to an unauthorised delimitation.

21. Part IX and Part IXA of the Constitution of India concern the Panchayats and Municipalities. 'Population' as defined in Article 243P(g) means the population obtained at the last preceding census of which the relevant figures have been published. The crucial importance of ascertaining the population is, thus, clear from the Constitutional provisions referred to above. Section 4 of the Kerala



Municipality Act provides for the constitution, alteration and conversion of Municipalities giving power to the Government to exclude any municipal area from the operation of the Act, divide any municipal area into two or more municipal areas, unite two or more municipal areas, unite the territorial area of a Panchayat geographically lying adjacent to a Municipal area with the Municipality or to convert a Village Panchayat into Town Panchayat or a Municipal Council or to convert a Town Panchayat into a Municipal Council or to convert Municipal Council into a Municipal Corporation. These powers of the Government, therefore, relate to the constitution/formation of a new Panchayat. Upon the Government exercising the power under Section 4, the Government is given the power under Section 6 of the Kerala Municipality Act to notify the total number of seats of the Councillors to be filled up considering the population of the area of the Municipality concerned. Such fixation under Section 6(1) is again based on the population.

22. After such fixation, the only manner in which the total number of seats could be varied is under Section 6(2) which gives the Government the power, after publication of the relevant data according to each census, to vary the total number of seats. Sub-section (3) of Section 6 only speaks about a criteria for ascertaining the number of seats and therefore, only a methodology to be applied whenever the total number of seats is notified either under Section 6(1) or Section 6(2). The parallel provisions in the Kerala Panchayat Raj Act, namely, Section 6 also give the power to the Government to notify the total seats and after the publication of the relevant



figures of each Census to alter the total number of seats in a Panchayat. In case an exercise is carried out either under Section 6(1) or Section 6(2), the power to alter is given by Section 6(2) of the Kerala Panchayat Raj Act. Thus, a reading of Sections 4 and 6 of the Kerala Municipality Act and Section 6 of the Kerala Panchayat Raj Act, clearly reveals that the power under Section 6(1) is exercised on the constitution/formation of the local body.

23. When such fixation is made under Section 6(1) on the formation of a Municipality/Panchayat, for it to be either varied or altered, the same can be done only under Section 6(2) of the respective Acts, which in turn has to be based on the figures published in the relevant Census. Crucially, both Sections 6(2) emphasize that any changes to the total number of seats can occur only after the publication of the latest Census figures, indicating that delimitation must rely on current data. Conducting a delimitation process using outdated or previously utilized data undermines the validity of the exercise and contradicts Section 6(2) of the Act. Additionally, "population" as defined in Section 2 (xxix) of the Kerala Panchayat Raj Act, 1994, refers specifically to the population from the most recent officially published Census. This is echoed in Article 243P(g) of the Constitution. Thus, the contention of the Government and the Delimitation Commission, that, they have power both under Section 6(1) and Section 6(2) to vary the seats and they are independent and distinct powers, cannot be accepted, as such an interpretation would completely negate the effect of Section 6(2) which alone is the power to alter



or vary given under the respective Acts. If such an interpretation is given, the Government will have the power to vary the number of seats even without a Census being published in the manner known to law. However, the power of the Government to constitute, alter or convert the Municipalities under Section 4 of the Municipality Act, is independent of Section 6 (2) and can be exercised at any time, subject to the requirements of law. The Delimitation Commission comes into the picture only after the total number of seats are notified either under Section 6(1) or Section 6(2) of the Act is carried out and not before.

24. In the instant case, it is admitted that the local bodies, that are the subject matter of the writ petitions, were formed in the year 2015 using the Census data of the year 2011. Given the undisputed scenario, for the invocation of the power of the Government to vary the total number of seats, the only power available is under Section 6(2) of the respective Acts which gives the power to vary or alter, as the case may be. It goes without saying that the power granted under Section 6(2), namely, to vary or alter, presupposes an existing fixation on the total number of seats. It is the existing total number of seats that can be varied or altered under Section 6(2). Amendment to Section 6(3) alters/varies the number of seats, which effectively changes the geographical limits of the Wards. Such variations in the number of seats or geographic boundaries must be based on population data. Any other interpretation given to either Section 6(1) or Section 6(2) would at least make one nugatory. It is an elementary principle of interpretation that a statute must be



read as a whole and the provisions have to be construed to give effect to all them.

25. In that view of the matter, the amendment made to Section 6(3) of the Act by increasing the number of seats cannot be made applicable to those Panchayats/Municipalities regarding which a delimitation exercise was carried out in 2015 based on the 2011 Census by the Government by invoking the power under Section 4 read with Section 6(1) of the Acts. Consequently, the Kerala Municipality (Second Amendment) Act, 2024, the Kerala Panchayat Raj (Second Amendment) Act, 2024, the notification issued by the Government dated 10.9.2024 and the guidelines issued by the Delimitation Commission dated 24.9.2024, insofar as it relates to the Panchayats/Municipalities, namely, Padne Grama Panchayat, Panoor Municipality, Mukkom Municipality, Koduvally Municipality, Payyoli Municipality, Sreekandapuram Municipality, Feroke Municipality, Pattambi Municipality and Mattannur Municipality, are declared to be inoperative and invalid. Consequently, the delimitation exercise carried out in the above-mentioned local authorities is also declared to be illegal.

The Writ Petitions are allowed as above.

Sd/-

MOHAMMED NIAS C. P.,

JUDGE



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

36

APPENDIX OF WP (C) .NO.39894/2024

PETITIONERS' EXHIBITS:

|            |                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1 | A TRUE COPY OF THE G.O. (P) NO. 145/2015/LSGD DATED 30.04.2015 ISSUED BY THE 1ST RESPONDENT                                                  |
| EXHIBIT P2 | A TRUE COPY OF THE GOVERNMENT ORDER (P) NO. 147/2015/LSGD DATED 20.04.2015 ISSUED BY THE 1ST RESPONDENT                                      |
| EXHIBIT P3 | A TRUE COPY OF THE JUDGMENT DATED 05.08.2015 PASSED IN W.P. (C) NO. 15669/2015                                                               |
| EXHIBIT P4 | A TRUE COPY OF THE FINAL DELIMITATION ORDER DATED 07.09.2015 PASSED BY THE 3RD RESPONDENT WITH RESPECT TO THE 5TH RESPONDENT GRAMA PANCHAYAT |
| EXHIBIT P5 | A TRUE COPY OF THE AMENDMENT ACT, 2024 DATED 09.07.2024                                                                                      |
| EXHIBIT P6 | A TRUE COPY OF THE KERALA PANCHAYAT RAJ (FIXING OF STRENGTH) AMENDMENT RULES, 2024 DATED 01.09.2024                                          |
| EXHIBIT P7 | THE TRUE COPY OF RELEVANT PAGES OF NOTIFICATION NO. LSGD/PD/24269/2024-EER1 DATED 06.09.2024 ISSUED BY THE 1ST RESPONDENT                    |
| EXHIBIT P8 | A TRUE COPY OF THE GUIDELINES DATED 24.09.2024 ISSUED BY THE 3RD RESPONDENT                                                                  |
| EXHIBIT P9 | A TRUE COPY OF THE REPRESENTATION DATED 23.09.2024 ADDRESSED TO THE DIRECTOR (RURAL), LSGD AND TO THE 1ST AND 2ND RESPONDENTS                |



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

37

APPENDIX OF WP(C) .NO.39810/2024

PETITIONER'S EXHIBITS:

- |             |                                                                                                                                          |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1  | A TRUE COPY OF THE LIST OF COUNCILLORS OF PANOOR MUNICIPALITY PUBLISHED IN THE WEBSITE OF THE FIRST RESPONDENT                           |
| EXHIBIT P2  | A TRUE COPY OF THE IDENTITY CARD ISSUED BY THE FIFTH RESPONDENT TO THE PETITIONER                                                        |
| EXHIBIT P3  | A TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS G.O.(P) NO.151/2015/ LSGD DATED 30-4-2015 |
| EXHIBIT P4  | A TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS G.O.(P) NO.153/2015/ LSGD DATED 30-4-2015 |
| EXHIBIT P5  | A TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS G.O.(P) NO.164/2015/ LSGD DATED 11-5-2015 |
| EXHIBIT P6  | A TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS G.O.(P) NO.20/2020/ LSGD DATED 26-2-2020  |
| EXHIBIT P7  | A TRUE COPY OF GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS G.O.(P) NO.44/2020/ LSGD DATED 5-6-2020       |
| EXHIBIT P8  | A TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED BY THE FIRST RESPONDENT IN THE KERALA GAZETTE AS GO(P) NO. 49/2024/LSGD DATED 10-9-2024    |
| EXHIBIT P9  | A TRUE COPY OF THE KERALA MUNICIPALITY (SECOND AMENDMENT) ACT, 2024 (ACT NO.14 OF 2024)                                                  |
| EXHIBIT P10 | A TRUE COPY OF THE GUIDELINES ISSUED BY THE THIRD RESPONDENT ON 24-09-2024                                                               |



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

38

APPENDIX OF WP (C) .NO.39848/2024

PETITIONERS' EXHIBITS:

- EXHIBIT P1      A TRUE COPY OF THE GUIDELINE ISSUED BY THE 3RD  
RESPONDENT FOR DELIMITATION OF MUNICIPALITIES DATED  
18.04.2015
- EXHIBIT P2      THE TRUE COPY OF THE ORDER NO. SDC 249/2015 DATED  
30.05.2015 WITH RESPECT TO THE 5TH RESPONDENT  
MUNICIPALITY
- EXHIBIT P3      THE TRUE COPY OF THE ORDER NO. SDC 248/2015 DATED  
30.05.2015 WITH RESPECT TO THE 6TH RESPONDENT  
MUNICIPALITY
- EXHIBIT P5      THE TRUE COPY OF THE ORDER NO. SDC 246/2015 DATED  
30.05.2015 WITH RESPECT TO THE 7TH RESPONDENT  
MUNICIPALITY
- EXHIBIT P6      A TRUE COPY OF ACT 3 OF 2020, NOTIFIED ON 18.02.2020
- EXHIBIT P4      A TRUE COPY OF THE G.O. (MS) NO. 153/2015/LSGD DATED  
30.04.2015
- EXHIBIT P7      THE TRUE COPY OF THE NOTIFICATION DATED 26.02.2020  
ISSUED BY THE 1ST RESPONDENT UNDER SECTION 6(2)  
DETERMINING THE NUMBER OF WARDS SUBSEQUENT TO THE  
AMENDMENT
- EXHIBIT P8      A TRUE COPY OF THE JUDGMENT DATED 23.06.2020 PASSED  
IN WP(C) NO. 6514/2020 AND CONNECTED CASES
- EXHIBIT P9      A TRUE COPY OF THE KERALA MUNICIPALITY (AMENDMENT)  
ACT, 2024 PASSED ON 09.07.2024
- EXHIBIT P10     A TRUE COPY OF THE NOTIFICATION NO. 813/2024 DATED  
10.09.2024
- EXHIBIT P11     A TRUE COPY OF THE GUIDELINES DATED 24.09.2024  
ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P12     A TRUE COPY OF ORDER NO. S.D.C.249/2015 DATED  
07.09.2015 ISSUED BY THE 3RD RESPONDENT FIXING THE  
NUMBER OF WARDS IN THE 5TH RESPONDENT MUNICIPALITY  
TO 33



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

**EXHIBIT P13**      A TRUE COPY OF ORDER NO. S.D.C.248/2015 DATED  
07.09.2015 ISSUED BY THE 3RD RESPONDENT FIXING THE  
NUMBER OF WARDS IN THE 6TH RESPONDENT MUNICIPALITY  
TO 36

**EXHIBIT P14**      A TRUE COPY OF ORDER NO. S.D.C.246/2015 DATED  
07.09.2015 ISSUED BY THE 3RD RESPONDENT FIXING THE  
NUMBER OF WARDS IN THE 7TH RESPONDENT MUNICIPALITY  
TO 36



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

40

APPENDIX OF WP (C) .NO.39939/2024

PETITIONERS' EXHIBITS:

|             |                                                                                                                                                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1  | A TRUE COPY OF THE G.O. (MS) NO. 153/2015/LSGD DATED 30.04.2015                                                                                                |
| EXHIBIT P2  | A TRUE COPY OF THE GUIDELINE ISSUED BY THE 3RD RESPONDENT FOR DELIMITATION OF MUNICIPALITIES DATED 18.04.2015                                                  |
| EXHIBIT P3  | THE TRUE COPY OF THE DRAFT NOTIFICATION NO. SDC 257/2015 DATED 30.05.2015 WITH RESPECT TO THE 5TH RESPONDENT MUNICIPALITY                                      |
| EXHIBIT P4  | TRUE COPY OF THE FINAL ORDER ALSO NUMBERED SDC 257/2015 DATED 07.09.2015                                                                                       |
| EXHIBIT P5  | A TRUE COPY OF ACT 3 OF 2020, NOTIFIED ON 18.02.2020                                                                                                           |
| EXHIBIT P6  | THE TRUE COPY OF THE NOTIFICATION DATED 26.02.2020 ISSUED BY THE 1ST RESPONDENT UNDER SECTION 6(2) DETERMINING THE NUMBER OF WARDS SUBSEQUENT TO THE AMENDMENT |
| EXHIBIT P7  | A TRUE COPY OF THE JUDGMENT DATED 23.06.2020 PASSED IN WP(C) NO. 6514/2020 AND CONNECTED CASES                                                                 |
| EXHIBIT P8  | A TRUE COPY OF THE KERALA MUNICIPALITY (SECOND AMENDMENT) ACT, 2024 PASSED ON 09.07.2024                                                                       |
| EXHIBIT P9  | A TRUE COPY OF THE NOTIFICATION NO. 813/2024 DATED 10.09.2024                                                                                                  |
| EXHIBIT P10 | A TRUE COPY OF THE GUIDELINES DATED 24.09.2024 ISSUED BY THE 3RD RESPONDENT                                                                                    |
| EXHIBIT P11 | TRUE COPY OF THE CLARIFICATION NO. SDC/30/2024SDC7 DATED 30.10.2024 ISSUED BY THE 3RD RESPONDENT.                                                              |



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

41

**APPENDIX OF WP(C) .NO.39989/2024**

**PETITIONERS' EXHIBITS:**

|            |                                                                                                                                                     |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1 | A TRUE COPY OF THE G.O. (MS) NO. 153/2015/LSGD<br>DATED 30.04.2015                                                                                  |
| EXHIBIT P2 | A TRUE COPY OF THE GUIDELINE ISSUED BY THE 3RD<br>RESPONDENT FOR DELIMITATION OF MUNICIPALITIES<br>DATED 18.04.2015                                 |
| EXHIBIT P3 | THE TRUE COPY OF THE ORDER NO. SDC 885/2015 DATED<br>18.06.2015 WITH RESPECT TO THE 5TH RESPONDENT<br>MUNICIPALITY FIXING THE NUMBER OF WARDS AS 38 |
| EXHIBIT P4 | A TRUE COPY OF THE JUDGMENT DATED 23.06.2020<br>PASSED IN WP(C) NO. 6514/2020 AND CONNECTED CASES                                                   |
| EXHIBIT P5 | A TRUE COPY OF THE KERALA MUNICIPALITY (AMENDMENT)<br>ACT, 2024 PASSED ON 09.07.2024                                                                |
| EXHIBIT P6 | A TRUE COPY OF THE NOTIFICATION NO. 813/2024 DATED<br>10.09.2024                                                                                    |
| EXHIBIT P7 | A TRUE COPY OF THE GUIDELINES DATED 24.09.2024<br>ISSUED BY THE 3RD RESPONDENT                                                                      |



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

42

**APPENDIX OF WP (C) .NO.40460/2024**

**PETITIONER'S EXHIBITS:**

- |            |                                                                                                                                                      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1 | A TRUE COPY OF THE G.O. (MS) NO. 153/2015/LSGD<br>DATED 30.04.2015                                                                                   |
| EXHIBIT P2 | THE TRUE COPY OF THE ORDER NO. SDC 239/2015 DATED<br>30.05.2015 WITH RESPECT TO THE 5TH RESPONDENT<br>MUNICIPALITY, FIXING THE NUMBER OF WARDS AS 28 |
| EXHIBIT P3 | A TRUE COPY OF THE JUDGMENT DATED 23.06.2020<br>PASSED IN WP(C) NO. 6514/2020 AND CONNECTED CASES                                                    |
| EXHIBIT P4 | A TRUE COPY OF THE KERALA MUNICIPALITY (AMENDMENT)<br>ACT, 2024 PASSED ON 09.07.2024                                                                 |
| EXHIBIT P5 | A TRUE COPY OF THE NOTIFICATION NO. 813/2024 DATED<br>10.09.2024                                                                                     |
| EXHIBIT P6 | A TRUE COPY OF THE GUIDELINES DATED 24.09.2024<br>ISSUED BY THE 3RD RESPONDENT                                                                       |



2024:KER:95921

W. P. (C) Nos. 39894, 39810, 39848, 39939,  
39989, 40460 & 40592 of 2024

43

**APPENDIX OF WP (C) .NO.40592/2024**

**PETITIONERS' EXHIBITS:**

|            |                                                                                      |
|------------|--------------------------------------------------------------------------------------|
| EXHIBIT P1 | TRUE COPY OF THE ORDER NO. D-2/2017/SDC DATED<br>16.03.2017 PASSED BY 3RD RESPONDENT |
| EXHIBIT P2 | TRUE COPY OF THE NOTIFICATION DATED 26.02.2020                                       |
| EXHIBIT P3 | TRUE COPY OF THE KERALA MUNICIPALITY (AMENDMENT)<br>ACT, 2024 PASSED ON 09.07.2024   |
| EXHIBIT P4 | TRUE COPY OF THE NOTIFICATION NO. 813/2024 DATED<br>10.09.2024                       |
| EXHIBIT P5 | TRUE COPY OF THE GUIDELINES DATED 24.09.2024<br>ISSUED BY THE 3RD RESPONDENT         |