

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

WEDNESDAY, THE 9TH DAY OF APRIL 2025 / 19TH CHAITHRA, 1947

WP(C) NO. 7668 OF 2025

PETITIONER/S:

- 1 VINOD T.,
AGED 49 YEARS
S/O. THANKAPPAN, RAJAPURAM, MANGALAM, ARATTUPUZHA,
THRIKKUNNAPUZHA, ALAPPUZHA, PIN - 690515
- 2 MANOJ S.,
AGED 45 YEARS
S/O. SREEDHARAN, NEYSERIL PUTHUVAL, ARATTUPUZHA EAST,
CHINGOLI P.O., KARTHIKAPALLY, CHINGOLI, ALAPPUZHA, PIN
- 690532

BY ADVS.
SAJITH KUMAR V.
VIVEK A.V.
AMMU M.
ARUN S.

RESPONDENT/S:

- 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, ALAPPUZHA,
PIN - 688001
- 4 ARATTUPUZHA GRAM PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ALAPPUZHA, PIN - 690535



2025:KER:30478

WP (C) No. 7668/2025

2

- 5 THE DELIMITATION COMMISSION,
KERALA, REPRESENTED BY ITS SECRETARY, DELIMITATION
COMMISSION, CORPORATION BUILDING, 4TH FLOOR,
THIRUVANANTHAPURAM, PIN - 695033
- 6 REGISTRAR GENERAL AND CENSUS COMMISSIONER,
GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, NDCC
BUILDING-II, JAISINGH ROAD, NEW DELHI, PIN - 110001

BY ADVS.

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

P.MOHANDAS (ERNAKULAM)

DEEPU LAL MOHAN, SC, STATE DELIMITATION COMMISSION

K.SUDHINKUMAR

SABU PULLAN

GOKUL D. SUDHAKARAN

R.BHASKARA KRISHNAN

BHARATH MOHAN

K.P.SATHEESAN (SR.)

SMT. K.R.DEEPA, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24.03.2025, THE COURT ON 09.04.2025 DELIVERED THE FOLLOWING:



JUDGMENT

This writ petition is submitted by the petitioners, who are the residents of the Arattupuzha Grama Panchayat, the 4th respondent herein. The grievance of the petitioners pertains to the guidelines framed by the 5th respondent, the Delimitation Commission, as evidenced by Ext.P1, to the extent it contemplated a method based on the number of households in the Panchayat, for determining the inhabitant population for the purpose of carrying out the delimitation of wards in the Municipality.

2. The facts of the case in brief are as follows:

As per the notification issued by the 1st respondent on 6.9.2024, the total number of wards in the 4th respondent Panchayat was increased to 19 from 18. Such a refixation was necessitated consequent to the amendment made in Section 6(3) of the Kerala Panchayat Raj Act, 1994, as per Kerala Panchayat Raj (Second Amendment) Act, 2024, wherein the minimum and maximum number of wards in the Grama



Panchayats were increased. Consequently, as per Ext.P3 notification, the 5th respondent Commission was formed under Section 10 of the Kerala Panchayat Raj Act to carry out the delimitation exercise. Exhibit P1 is the set of guidelines published by the 5th respondent- Commission, which are to be followed while carrying out the delimitation exercise in the State. In Ext.P1, in order to distribute the inhabitant population among the wards in equal proportion, it was contemplated that the average population per household should be calculated by dividing the total population of the Panchayat as per 2011 census by the total number of households in the panchayat as on 01.10.2024, as per the assessment register. Thereafter, the population of the proposed constituency should be calculated by multiplying the average number of households in the proposed constituency by the average household population. According to the petitioners, such a procedure is not proper as the 5th respondent Commission is not competent to follow the said procedure, in view of the fact that, as per Section 6(1) of the Kerala Panchayat Raj Act, the total number of seats in a village



panchayat has to be determined with reference to the population of the territorial area of panchayat concerned. The expression 'Population' is defined under Art.243(f) of the Constitution of India, and it means the 'population' as ascertained at the last preceding census of which the relevant period has been published. Therefore, according to the petitioner, the data collected from the last census alone could be the basis of the delimitation and depending upon the average of the households as existed in the assessment register of the Panchayat is not proper. Apart from the above, several discrepancies resulting from a calculation based on the number of households were also pointed out. Such discrepancies include the duplication of the households, the inclusion of permanently uninhabited/abandoned households, which are still included in the Assessment Register, etc. It was in those circumstances that the petitioners filed this Writ Petition challenging the Ext.P1 guidelines and the consequential delimitation process that is now in progress.

3. A detailed statement was submitted by the 5th



respondent-Delimitation Commission wherein, it was contended that, in order to find out the inhabitant population and to distribute it to each constituency in such a manner to ensure that, each constituency consists of equal population as far as practicable, this is the only available method. The obligation of the 5th respondent Commission to ensure equal distribution of population among the wards as mandated under Art.243-C of the Constitution and also under section 6 of the Kerala Panchayat Raj Act was highlighted. It was averred that the 5th respondent-Commission, in its wisdom and through its experience, devised the methodology prescribed in Ext.P1 guidelines, for calculating the average population in a constituency and the same is found to be the most reasonable and scientific method for achieving the mandate of Art.243-C of the Constitution of India and also the statutory mandate of the proviso to Section 10(1)(a) of the Kerala Panchayat Raj Act. The methodology adopted by them is explained in paragraph 20 of the statement, which reads as follows:

"Therefore, in order to ensure aforesaid mandate, the average population in a constituency is calculated by dividing the total



population (as per 2011 Census) of the Panchayat by the total number of constituencies in the Panchayat. Then, the population of the proposed constituency is calculated by multiplying the average number of households in the proposed constituency by the average household population and the average household population is calculated by dividing the total population of the Panchayat as per 2011 Census by the total number of households in the Panchayat as on 01-10-2024 as per Panchayat Assessment Register. Thus, the same ensures that almost all the households as per the Panchayat Assessment Register are included within the constituencies in the Panchayat and also that the population of each constituency of a Panchayat shall, as far as practicable, be the same throughout the Panchayat area."

4. A reply affidavit was filed by the petitioner to the averments contained in the statement of the 5th respondent.

5. I have heard Sri. V.Sajith Kumar, the learned counsel for the petitioner, Smt. K.R. Deepa, the learned Government Pleader for respondents 1 and 3, Sri.R. Bhaskara Krishnan, the learned counsel for the 4th respondent and Sri. Deepulal Mohan, the learned Standing Counsel for the 2nd and 5th respondents.

6. The learned counsel for the petitioner reiterated the contentions raised by the petitioner in the writ petition as according to him, the stipulations in Ext.P1 guidelines for



carrying out the delimitation exercise based on the number of households in the Panchayat are erroneous and in contravention to the Constitutional as well as the statutory mandates. According to him, no other figures than those mentioned in the last census conducted, could be used by the 5th respondent Commission for carrying out the exercise of delimitation. The learned counsel, by referring to the District Census Handbook, Alappuzha (Series 33 and Part XII-B) published by the Directorate of Census Operations Kerala, as part of Census of India, 2011, pointed out the discrepancies in depending upon the number of households for the delimitation exercise. It was pointed out that, by following the said procedure, the desired results for maintaining equal distribution of population among the wards as envisaged in Art. 243-C of the Constitution of India cannot be achieved. As an illustration, the learned counsel for the petitioner presented before this court the details of the average population per household, calculated as per the 2011 Census data and the disparity between the wards of the Municipality. It was pointed out that, as per the said calculation,



the average population per household, varies from 3.55 to 4.57 in various wards, whereas the maximum difference permissible is only 10% only, even according to Ext.P1 guidelines. The learned counsel for the petitioner places reliance upon the decision rendered by the Hon'ble Supreme Court in **Dravida Munnetra Kazhagam (DMK) v. Secretary, Governors Secretariat and Others [(2020)6 SCC 548]** and the judgment of High Court of Gujarat in **Rameshchandra Ramanbhai Patel and Ors. v. Collector and Ors. [Manu/GJ/0116/1978]**. Reliance was also placed on a decision rendered by a Single Bench of this Court in **Nazeer A.P. v. Union Territory of Lakshadweep [2023 KLT OnLine 1295]= [2023(2) KLJ 210]**.

7. On the other hand, the learned Govt. Pleader as well as the learned Standing Counsel for the 5th respondent stoutly oppose the said contentions. The learned Standing Counsel for the 5th respondent placed reliance upon a decision rendered by the Hon'ble Supreme Court in **Anugrah Narain Singh and Anr. v. State of U.P. and Ors. [(1996) 6 SCC**



303] and a decision rendered by a Division Bench of this Court in **Secretary to Government v. L.R.Arunadevi [2025 KHC OnLine 317]**.

8. As far as the delimitation process now being carried out by the 5th respondent-Commission is concerned, the same was necessitated consequent to the amendment brought in by the 1st respondent to Section 6(3) of the Kerala Panchayat Raj Act. As per the said amendment, minimum and maximum numbers of the wards in each Panchayats were increased by 14 and 24 respectively from 13 and 23 respectively. Consequent amendment was also brought in the provisions of the Kerala Panchayat Raj (Fixing of Strength) Rules 1994 as well.

9. Accordingly, the number of wards in the 4th respondent Panchayat was refixed as 19 instead of 18, as per the notification dated 6.9.2024. In such circumstances, the delimitation process was initiated in the 4th respondent panchayat.

10. To decide the issues involved in this case, an examination of the Constitutional and statutory provisions is



necessary. Art. 243(f) defines the 'population' which reads as follows:

243(f): "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published."

11. Art.243-C provides for the composition of Panchayats and the same reads as follows:

"(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

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

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation -

- (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;*
- (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;*



(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within -

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of -

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof."

12. Section 6 of the Kerala Panchayat Raj Act which deals with the strength of the Panchayat, reads 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 fourteen or more than twenty-four];

(b) in these case of a Block Panchayat, be [less than fourteen or more than twenty-four];

(c) in these case of a District Panchayat, be [less than seventeen or more than thirty-three]

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 State.]

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

13. The translated version of the relevant portion of the Ext P1 guidelines, which is impugned in this case reads as follows:

"3. Method of fixing the boundaries of a proposed constituency by ascertaining the population.

(a) Grama Panchayat:

The boundaries of the constituencies should be as natural as possible while delimiting the Grama Panchayat into constituencies. Apart from the natural boundaries like river, stream, lake, mountain etc., clearly identifiable man made boundaries like road, footpath, minor roads, railway line can also be considered as boundaries. The average population of a constituency may be slightly increased or decreased to maintain natural boundaries. However, such increase or decrease shall in no case exceed ten percent of the average population of a constituency of Panchayat. Facilities for



travelling of voters, communication and setting up of polling stations should also be considered.

The number of households (including unauthorized buildings) as per the Assessment Registers as on 01.10.2024 in all constituencies of the Grama Panchayat should be ascertained. The average population per household should be calculated by dividing the total population of the panchayat as per the 2011 census by the total number of households in the Panchayat as on 01.10.2024 as per the Assessment Register. The population of the proposed constituency should be calculated by multiplying the average number of households in the proposed constituency by the average household population."

14. On examining the various provisions referred to above, there cannot be any doubt with regard to the legal proposition that the basis for delimitation of the wards is the 'population' as defined under Art. 243(f) of the Constitution of India, i.e., *figures in the last census conducted*. Thus, the crucial question that arises here is whether there would be any deviation from the same while following the criteria stipulated in Ext.P1 guidelines. The specific contention raised by the learned Standing Counsel for the 5th respondent in this regard is that, even while following the guidelines as referred to above, the basic criteria remain the same, i.e., the population



data from the last census, which was conducted in the year 2011. According to the learned Standing Counsel, the data of the number of households as reflected in the Assessment Register of the Panchayat was relied on, only to ensure that the inhabitant population is equally distributed among the wards of the Municipality in terms of the Constitutional mandate under Art. 243-C.

15. On carefully going through the data available as per the Census, it can be seen that, to distribute the population as per the figures in the last census among the wards, some methodology has to be adopted. In the District Census Handbook published as part of the 2011 census, the population data has been given in terms of the wards in each Local Self Government Institution. It is discernible therefrom that, as far as the 4th respondent Panchayat is concerned, the said details are given with respect to 17 wards. This is because, when the Census 2011 was conducted, the number of wards notified in the 4th respondent Panchayat was only 17. Later, when the delimitation process was conducted before the last Panchayat



election, it was increased to 18, and now, after the amendment brought in Section 6(3) of the Kerala Panchayat Raj Act, the same has been further increased to 19. Therefore, the ward-wise figures reflected in the census cannot be followed as the distribution of population has to be done for 19 wards, whereas the data contained in the 2011 census is only for 17 wards. Therefore, some exercises have to be carried out by the 5th respondent Commission to ensure the equal distribution of the population. According to the 5th respondent, the criteria now adopted is the most practical and scientific method, which was devised by the Commission out of their wisdom and experience.

16. I find merits in the said contention. Even though the petitioners contend that the present procedure is erroneous, they are also not in a position to suggest any other alternate or more effective method for ensuring equal distribution of population among the wards. It is also an undeniable fact that the ward-wise population, as contemplated in the 2011 Census data, cannot be relied on to ensure equal distribution as it contains only 17 wards. Of course, the learned counsel for the



petitioner referred to Enumeration Blocks (EB), which was the basic building block for the Census data for 2011 census. However, on careful scrutiny, it is seen that EB's do not have any geographical boundaries. On the other hand, even when the average household population is calculated by placing reliance upon the number of households as reflected in the Assessment Register of the Panchayat, such calculation is based on the total population in the Panchayat as included in the Census 2011. The average household population is relied on to ensure the distribution of population among the wards only. It is also to be noted in this regard that, as per Section 6(1) of the Kerala Panchayat Raj Act, the reference to the 'population' is made for determining the total number of seats in a Village Panchayat, Block Panchayat and District Panchayat to be filled up by direct election. The said provision also contemplates that, based on the said criteria, the Government has to notify the number of seats/wards in every Panchayat. The Government has already relied upon the figures of the population, based on the Census data 2011, and notified the



number of seats as 19. Now the present exercise is being conducted only to distribute the population based on the 2011 Census among the number of wards notified by the Government by following the procedure as referred to above. Therefore, in all these exercises, the basic data relied on was the census of 2011 and nothing else. Therefore, I do not find any illegality on the part of the 5th respondent in adopting such a measure.

17. Of course, it is true that the learned counsel for the petitioner placed before this Court an illustration regarding the discrepancies when the impugned guidelines are implemented based on the ward-wise figures mentioned in the 2011 Census data. It is true that the same ranges from 3.55 to 4.57 per ward, as per the said calculation. However, the said figures cannot be accepted as a proper test for the guidelines followed by the 5th respondent. As mentioned above, the said ward-wise data is in respect of 17 wards only and the said number of 17 wards was fixed during the delimitation exercise conducted prior to the 2011 Census. Thus, the fixing of the



number of wards as 17 for the 4th respondent-Panchayat, was based on the Census data published prior to 2011, which was in 2001. Therefore, the same cannot be relied on to ensure a proper distribution of population among the wards, the number of which is now fixed as 19.

18. The Standing Counsel for the 5th respondent placed reliance upon the observations made by the Hon'ble Supreme Court in **Anugrah Narain Singh** (supra), where the Hon'ble Supreme Court upheld the survey conducted for determining the number of persons belonging to backward classes for ensuring proper reservation of seats for them. Such a survey was necessitated because, the census data that was then available, did not contain the population of backward classes. The relevant observation made by the Hon'ble Supreme Court was as follows:

"33. In our view, the argument advanced on behalf of the State must be upheld. It is true that Article 243-P(g) has defined 'population' to mean "population as ascertained by the last preceding census of which the relevant figures have been published". The delimitation of constituencies and also preparation of electoral rolls will have to be done on the basis of the figures available from the last census which was taken



in 1991. Reservation of seats for Scheduled Castes and Scheduled Tribes is mandatory under Article 243-T of the Constitution. This must also be done on the basis of the available figures from the census. Clause (6) of Article 243-T of the Constitution has made it permissible for the State Government to reserve seats for other Backward Classes. The census of 1991 has not enumerated the number of persons belonging to Backward Classes. Therefore, in order to reserve seats for citizens belonging to Backward Classes, their number will have to be found out. Clause (6) of Article 243-T has impliedly empowered the State Government to ascertain the Backward Classes and the number of people belonging to such classes. Otherwise, the provisions of clause (6) of Article 243-T will become otiose and meaningless. Merely because, such an enumeration of people belonging to Backward Classes was made, does not mean that the figures enumerated by the last census were discarded. The latest available census figures had to be the basis for delimitation of the constituencies, preparation of electoral rolls and also for reservation of seats for Scheduled Castes, Scheduled Tribes and women. But census figures are not available for persons belonging to Backward Classes. The next census will be in the year 2001. There is no way to reserve seats for Backward Classes in the meantime except by making a survey of the number of persons belonging to such classes for the purpose of giving them assured representation in the municipal bodies. To do this exercise is not to do away with the last available census figures but to find out what was not to be found by the last census. Had such counting been done in the census, then it would not have been open to the State Government to embark upon a survey of its own. The State Government here had only two choices. It could say that there will be no reservation for people belonging to Backward Classes



because, the census figures of such people are not available or it could make a survey and count the number of people belonging to the Backward Classes and reserve seats for them in the municipal bodies. The State Government has taken the latter course. This is in consonance with the provisions of clause (6) of Article 243-T. Therefore, the survey made by the State Government for finding out the number of persons belonging to Backward Classes was not in any way contrary to or in conflict with any of the provisions of the Constitution."

19. Thus, it can be seen that the Honourable Supreme Court permitted the conduct of a survey of Backward Classes to ensure the reservation for them, as the details of the population of the Backward Classes were not available in the Census data then available. Similarly, here, in this case, the exercise that is being carried out by the 5th respondent can only be, therefore, treated as an attempt to ensure compliance with the Constitutional mandate as per Art. 243-C and the basic criteria for the same remains the population as per the 2011 Census itself.

20. The learned counsel for the petitioner placed reliance upon the decision of the Gujarat High Court in **Ramesh Chandra Ramanbhai Patel** (supra) to contend that the Delimitation Commission could not have relied on any other



data than the Census. However, the factual circumstances in the above decision were completely different. The matter dealt with in the said decision was relating to the conduct of election without a delimitation exercise and the distribution of wards for the purpose of reservation. Similarly, the ***Dravida Munnetra Kazhagam's*** case (supra) relied on by the petitioner also cannot be made applicable to the facts of this case, as it dealt with a situation where, despite the increase in the number of districts in Tamilnadu, the Government proceeded to conduct election for the Local Self Govt. Institutions without carrying out the delimitation process in tune with the increase in the number of districts. Similarly, ***Nazeer A.P's case (supra)***, yet another decision relied on by the petitioner, dealt with a peculiar case in the Union Territory of Lakshadweep, where an amendment was brought in, to divide the islands into separate panchayats based on the voter's list. The said amendment was struck down in view of the fact that, there was no data available as per the census which could be relied on for dividing the existing islands. In ***Nazeer's case (supra)***, this court interfered because the



population figures available were completely ignored, and delimitation was based on the voters list. Therefore, the factual circumstances that existed in the said case were different. As pointed out by the learned Standing Counsel for the 5th respondent, a Division Bench of this Court in **Secretary to Government v. L.R. Arundevi (2025 KHC Online 317)** held that, ".....a judgment must be understood in the context of the facts of the case and cannot be treated as a general formula". In the said decision, the observations of the Honourable Supreme Court in **State of Orissa v. Sudhansu Sekhar Misra (AIR 1968 SC 647)** were also extracted, which reads as follows:

"12. Now let us consider the ratio of the decisions in Nripendra Nath Bagchi's case (1966 (1) SCR 771), and Ranga Mahammad case (1967 (1) SCR 454). In Bagchi case (1966 (1) SCR 771), this Court laid down that the word "control" found in Art.235 includes disciplinary jurisdiction as well.

..... The question of law considered in that decision was as regards the scope of the expression "control over District Court" in Art.235. The reference to the cadre was merely incidental. A decision is only an authority for what it actually decides. What is of the essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in it. On this topic this is what Earl of Halsbury L.C. said in Quinn v. Leathern ((1901) AC 495).

"Now, before discussing the case of Allen v. Flood, ((1898) AC 1) and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the



generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical code, whereas every lawyer must acknowledge that the law is not always logical at all."

It is not a profitable task to extract a sentence here and there from a judgment and to build upon it."

Thus, as the decision in **Nazeers' case** was rendered in a different factual circumstance, the observations made therein cannot be made applicable to this case. This is mainly because, in this case, the basic data relied on by the 5th respondent while implementing the guidelines in Ext P1, is the Census 2011.

21. Thus, on carefully going through the Constitutional and statutory provisions as referred to above, I find that, the contentions raised by the petitioner are not legally sustainable. As observed above, since the basic data relied on by the 5th respondent Commission is Census 2011, the procedure adopted by them as per Ext.P1 guidelines cannot be held to be defective or against any Constitutional or statutory provisions. Of course, there could be certain discrepancies as highlighted by the petitioner, such as the inclusion of uninhabited households in the Assessment Register,



continuation of demolished/abandoned households in the Register etc. However, those are all matters that can be highlighted by the respective parties through their objections submitted in response to the draft notification already published, so that those anomalies could be removed by the 5th respondent-Commission while finalizing the delimitation. Merely because of such discrepancies, it cannot be held that the procedure adopted itself is bad, but it can only be the discrepancies in the implementation of the guidelines, which can be rectified while considering the objections.

In such circumstances, I do not find any justifiable reasons to interfere with the delimitation process or the guidelines fixed by the 5th respondent-Commission. Accordingly, this Writ Petition is dismissed.

Sd/-

ZIYAD RAHMAN A.A., JUDGE

pkk



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APPENDIX OF WP (C) 7668/2025

PETITIONER EXHIBITS

- | | |
|--------------------|--|
| Exhibit P1 | A TRUE COPY OF THE GUIDELINES DATED
24.09.2024 ISSUED BY THE 5TH RESPONDENT |
| Exhibit P2 | A TRUE COPY OF THE KERALA PANCHAYAT RAJ
(SECOND AMENDMENT) ACT, 2024 |
| Exhibit P3 | A TRUE COPY OF THE NOTIFICATION NO. G.O.
NO. 36/2024/LSGD DATED 14.06.2024 ISSUED
BY THE 1ST RESPONDENT |
| Exhibit P4 | A TRUE COPY OF THE RELEVANT PAGES OF THE
NOTIFICATION NO. LSGD/PD/24269/2024-EER1
DATED 06.09.2024 ISSUED BY THE 1ST
RESPONDENT |
| Exhibit P5 | A TRUE COPY OF THE NOTIFICATION NO.
SDC/363/2024/SDC6 DATED 18.11.2024 ISSUED
BY THE 5TH RESPONDENT |
| Exhibit P6 | A TRUE COPY OF THE ASSESSMENT REGISTER OF
WARD NO. 1 OF THE 4TH RESPONDENT PANCHAYAT |
| Exhibit P7 | A TRUE COPY OF THE DELIMITATION REPORT OF
THE 4TH RESPONDENT PANCHAYAT ISSUED BY THE
5TH RESPONDENT |
| Exhibit P8 | A TRUE COPY OF THE RTI APPLICATION DATED
18.01.2025 SUBMITTED BY THE 1ST PETITIONER
TO THE PUBLIC INFORMATION OFFICER,
FISHERIES DEPUTY DIRECTOR, ALAPPUZHA |
| Exhibit P9 | A TRUE COPY OF THE RTI REPLY ISSUED BY THE
PUBLIC INFORMATION OFFICER, FISHERIES
DEPUTY DIRECTOR, ALAPPUZHA |
| Exhibit P10 | A TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE 1ST PETITIONER BEFORE THE
DISTRICT COLLECTOR |
| Exhibit P11 | A TRUE COPY OF THE HEARING NOTICE ISSUED
TO THE 1ST PETITIONER |



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Exhibit P12

**A TRUE COPY OF THE HEARING NOTICE DATED
21.01.2025 ISSUED BY THE 3RD RESPONDENT**

Exhibit P13

**A TRUE COPY OF THE OBJECTION SUBMITTED BY
THE 1ST PETITIONER DATED 29.01.2025**