

1996 (2) K.L.J. 692

## IN THE HIGH COURT OF KERALA

Present: P.A. Mohammed, J.

Joseph Thomas v. State of Kerala &amp; Ors.

**Kerala Panchayat Raj Act, 1994 — Sec.157(12) — No-confidence motion — In a panchayat having 9 elected members, 5 members will constitute more than one-half of the sanctioned strength.**

**Held:—** What is relevant in this amended provision is the words 'more than one-half of the sanctioned strength'. In the present case, one-half of the sanctioned strength of the Panchayat would be four and half and more than four and half would be five. Thus the distinction between the provisions contained in subsection (12) as unamended and as amended by Act 7 of 1995 is crystalline. Therefore, in a Panchayat having a strength of 9 elected members, 5 members will constitute more than one-half of the sanctioned strength. That the interpretation that one half of the sanctioned strength in the facts of this case would be five and more than five would be six, will no doubt do violence to the legislative purpose. After the amendment, the object of the provision is made unambiguous and certain.

(Para 5)

1996 (2) KLT 486

Distinguished

AIR 1950 SC 165, AIR 1993 All. 249

Relied on

K. Balakrishnan

For Petitioner

P.V. Mohanan &amp; Govt. Pleader (C.E. Unnikrishnan)

For Responder

## JUDGMENT

The petitioner is the President of the Naranammoozhi Grama Panchayat. While he was functioning as the President, a no-confidence motion was tabled against him by the Panchayat Committee held on 15.7.1996. It was presided over by the second respondent, the Deputy Director of Panchayat, Pathanamthitta.