

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE N.NAGARESH

Thursday, the 20th day of July 2023 / 29th Ashadha, 1945
WP(C) NO. 23741 OF 2023

PETITIONER:

NAVYA HARIDAS, AGED 38 YEARS, D/O. T.HARIDASAN, COUNCILOR, WARD NO.69, KARAPARAMBA, KOZHIKODE CORPORATION, RESIDING AT SREEPADAM, ERANJIPALOM P.O., KOZHIKODE DISTRICT, PIN-673006

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM P.O., PIN-695001
2. THE KOZHIKODE MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE, CALICUT BEACH, NEAR AKASHAVANI, KOZHIKODE DISTRICT, PIN-673032
3. THE SECRETARY, KOZHIKODE MUNICIPAL CORPORATION, CORPORATION OFFICE, CALICUT BEACH, NEAR AKASHAVANI, KOZHIKODE DISTRICT, PIN-673032
4. THE CHAIRPERSON, KOZHIKODE MUNICIPAL CORPORATION, CORPORATION OFFICE, CALICUT BEACH, NEAR AKASHAVANI, KOZHIKODE DISTRICT, PIN-673032
5. SHRI. T. MURALEEDHARAN COUNCILLOR, WARD NO.73, KARAPARAMBA, KOZHIKODE CORPORATION, CORPORATION OFFICE, CALICUT BEACH, NEAR AKASHVANI, KOZHIKODE DISTRICT, PIN-673032

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to exhibit pl to the extent it permits the meeting scheduled on 21.07.2023 to consider agenda item no. 137 against the uniform civil code and central government.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.SAJITH KUMAR V., VIVEK A.V., GODWIN JOSEPH, AKHIL VINAYAN & RONIT ZACHARIAH, Advocates for the petitioner, the court passed the following:


N.NAGARESH, J.

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Dated this the 20th day of July, 2023

ORDER

The petitioner states that the 2nd respondent-Corporation is proposing to pass a resolution on Uniform Civil Code. Rule 18(4)(a) of the Kerala Municipality (Procedure for Meeting of Council) Rules, 1995 mandates that a resolution in order to be admissible shall relate to matters coming within the administrative power of the Municipality.

The seal of the High Court of Kerala is circular, featuring the state emblem of India in the center. The text "HIGH COURT OF KERALA" is written around the top inner edge, and the motto "सत्यमेव जयते" is at the bottom. A small star is positioned below the motto.

2. In view of the above, I am *prima facie* convinced that a resolution on Uniform Civil Code cannot be moved in the Corporation Council.

3. Admit.

4. Government Pleader takes notice for the 1st respondent. Standing Counsel takes notice for respondents 2 to 4. Issue urgent notice by speed post to

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the 5th respondent.

There will be an interim order staying all further proceedings pursuant to Ext.P1 to the extent it permits the meeting scheduled on 21.07.2023 to consider Agenda Item No.137 with regard to the Uniform Civil Code and Central Government.

spk



Sd/-
N.NAGARESH
JUDGE

APPENDIX OF WP(C) 23741/2023

Exhibit P1

**A TRUE COPY OF THE RELEVANT PORTION OF THE KOZHIKODE
MUNICIPAL CORPORATION COUNCIL NOTICE DATED 15.07.2023
WITH PROPOSED RESOLUTIONS**

