

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WA.No. 2321 of 2015 IN WP(C).32073/2015

AGAINST THE ORDER IN WP(C) 32073/2015 of HIGH COURT OF KERALA
DATED 20-10-2015

APPELLANT(S)/4th RESPONDENT:

RAJESH K.R., AGED 39 YEARS,
S/O.RAMAKRISHNAN, KALLELUVILLA PUTHEN VEEDU,
PARANTAL P O, MITHRAPURAM, ADOOR,
PATHANAMTHITTA DISTRICT,
PIN-689645.

BY ADVS.SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.R.ROHITH
SRI.P.S.RAGHUKUMAR

RESPONDENT(S)/PETITIONER & R1 TO R3 & R5:

- 1.SANTHOSH A.P., AGED 45 YEARS,
S/O.N.PONNAPPAN, AALIMVILAYIL HOUSE,
MELOOED P O, ADOOR,
PATHANAMTHITTA DISTRICT.
- 2.THE STATE ELECTION COMMISSION, KERALA,
CORPORATION OFFICE COMPLEX, LMS JUNCTION,
PALAYAM, THIRUVANANTHAPURAM-695033.
- 3.THE RETURNING OFFICER, G 54 PALLICKAL GRAMA PANCHAYATH,
VAZHAKULAM P O, PATHANAMTHITTA-686670
(THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
ADOOR, ADOOR P O, PATHANAMTHITTA).
- 4.ANEESH T., THANKAPPA VILASOM,
MELOODU P O, ADOOR, PATHANAMTHITTA DISTRICT,
PIN-691523.
- 5.RAJEEV K NAIR, AGED 36 YEARS,
S/O.RAMAKRISHNAN, KALLELUVILLA PUTHEN VEEDU,
PARANTAL P O, MITHRAPURAM, ADOOR, PATHANAMTHITTA DISTRICT,
PIN-689645.

R BY SRI.SAJJU.S
R BY SRI.K.SHAJ
R BY SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2321 of 2015

Dated this the 27th day of October, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the appellant and the learned counsel for the respondents.

2. This writ appeal has been filed against the interim order dated 20.10.2015 in W.P.(C)No.32073 of 2015. The writ petitioner has filed the writ petition challenging Ext.P3 order of the Returning Officer by which the Returning Officer has reviewed an earlier order rejecting the nomination of the appellant and directed to accept the nomination of the appellant. The petitioner submits that as the nomination of the appellant has been rejected, it could not have been reviewed. The learned Single Judge passed an interim order staying Ext.P3 and directed to proceed with the election proceedings on the basis of Ext.P2 list. The appellant aggrieved by the said order has come up in appeal. The learned counsel for the appellant submits that Ext.P3 order is

only an erratum correcting the mistake in the earlier order. The nomination being early rejected on 15.10.2015 as noticed in order dated 16.10.2015, Ext.P3 order could not be said to be an erratum to correct the mistake. In view of the matter, the learned counsel for the Commission would submit that the Commission has already proceeded with the election proceedings in pursuance of the interim order and at this stage no interference is required in the process of election. In view of the above situation, we do not feel it necessary for this Court to enter into the various issues on merits. Ends of justice will be met by closing the appeal leaving it open to all the parties to raise their respective contentions in the writ petition and take appropriate proceedings in accordance with law.

Hence we close this appeal.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge