

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31570 of 2015 (U)

PETITIONER:

ANITHA BABU, AGED 43 YEARS, W/O. BABUDAS,
RESIDING AT ALINGAL HOUSE, PACHALAM,
ERNAKULAM 682 012, INDEPENDENT CANDIDATE
IN DIVISION NO. 73, KOCHIN CORPORATION, KOCHI.

BY ADVS. SRI. KRISHNADAS P. NAIR
SMT. K.L. SREEKALA
SMT. B. SABITHA (DESOM)

RESPONDENTS:

1. THE SECRETARY,
CORPORATION OF KOCHI,
ERNAKULAM DISTRICT 682 015.
2. THE RETURNING OFFICER,
CORPORATION OF KOCHI,
ERNAKULAM DISTRICT 682 015.
3. THE ELECTION OFFICER,
CORPORATION OF KOCHI,
ERNAKULAM DISTRICT 682 015.
4. THE STATE ELECTION COMMISSION,
PALAYAM, STATE ELECTION COMMISSION OFFICE,
THIRUVANANTHAPURAM 695 013.
5. THE DISTRICT ELECTORAL OFFICER,
DISTRICT COLLECTOR, ERNAKULAM DISTRICT 682 030.
6. THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
7. SRI. SUNNY MATHEW ALANAULEY, S/O. MATHEW,
HOUSE NO. 73/2545, ALANAULEY HOUSE,
K.S. UDAYAN ROAD, PACHALAM P.O., KOCHI 682 012.
8. ALBERT THOMAS AMBALATHINKAL,
HOUSE NO. 776-B, AMBALATHINKAL HOUSE,
S.R.M. ROAD, PACHALAM P.O., KOCHI 682 012.
9. K.R. RAMESH, S/O. RAMACHANDRAN,
KALAYATH HOUSE, GREEN R RIPPLE ROAD,
ELAMAKKARA, KOCHI 682 026.

R1 BY ADV. SRI. RAAJESH S. SUBRAHMANIAN, SC, COCHIN CORPORATION
BY GOVERNMENT PLEADER SRI. S. ABDUL SALAM
BY SRI. MURALI PURUSHOTHAMAN, SC, K.S.E. COMMISSION
BY SRI. P.K. SOYUZ, SC, COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : THE TRUE COPY OF THE RECEIPT OF ACCEPTANCE OF THE
NOMINATION OF THE PETITIONER ISSUED BY THE RETURNING
OFFICER.
- EXHIBIT P2 : THE TRUE COPIES OF THE MAJOR DIALIES DATED 15.10.2015
JANMABHUMI, MADHYAMAM, DESABHIMANI, MALAYALA
MANORAMA & MATHRUBHUMI.
- EXHIBIT P3 : THE TRUE COPIES OF THE WRITTEN OBJECTION DATED
15.10.2015 FILED BEFORE THE RESPONDENTS 2 TO 4.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 31570 OF 2015

Dated this the 15th day of October, 2015

JUDGMENT

The petitioner contends that the nomination put in by respondents 7 to 9 out of time have been received by the second respondent. Such improper acceptance of nomination materially affecting the election can very well be questioned in an Election Petition. There is a bar to entertain this writ petition at this juncture in view of Article 243 ZG of the Constitution of India.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd