

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31710 of 2015 (K)

PETITIONER(S) :

SUSEELA AGED 52 YEARS
W/O.GOPAKUMAR, RESIDING AT SIVA PRABHA
SREERANGHAM LANE, THIRUNEKKARA, KOTTAYAM-686 001.

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENT(S) :

1. STATE ELECTION COMMISSION
REP. BY ITS SECRETARY
CORPORATION OFFICE COMPLEX
THIRUVANANTHAPURAM-695 033.
2. THE RETURNING OFFICER OR WARD NO.21 OF M-17 KOTTAYAM
MUNICIPALITY AND THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, KOTTAYAM-686 001.

BY SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)NO.31710/2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE NOMINATION SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT ALONG WITH THE ACCOMPANYING DOCUMENTS

P2-TRUE COPY OF ORDER DATED 16.10.2015 OF THE SECOND RESPONDENT
REJECTING THE NOMINATION OF THE PETITIONER

P3-TRUE COPY OF THE SET OF NOMINATION PAPERS IN THE PRESCRIBED FORM
SUPPLIED BY THE 2ND RESPONDENT

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 31710 OF 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner has evidently not presented herself before the Returning Officer and the nomination was submitted by her agent. Whether the oath or affirmation made by the petitioner is in the prescribed form or not is a matter for evidence. The petitioner is free to agitate this question in a properly constituted election petition. There is a bar under Article 243-Z(g) of the Constitution of India to entertain this writ petition.

The writ petition fails and hence dismissed.

V.CHITAMBARESH, JUDGE

sks