

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. 31726 of 2015 (M)

PETITIONER(S) :

KAMARUNNISA AGED 36 YEARS
W/O.ABDUL KHADER SHAFI
KAPPANAKKAL HOUSE, KAPPIL.P.O,
BEKKAL, KAZARCODE-671 318

BY ADVS.SRI.P.A.MOHAMMED SHAH
SRI.SOORAJ T.ELENJICKAL
SMT.MARY RESHMA GEORGE
SMT.V.A.HARITHA

RESPONDENT(S) :

1. STATE ELECTION COMMISSION
REP. BY ITS SECRETARY
CORPORATION OFFICE COMPLEX
LMS JUNCTION, PALAYAM
THIRUVANANTHAPURAM-695 033.
2. DISTRICT COLLECTOR, KAZARCODE DISTRICT
CIVIL STATION, KAZARCODE-671 121.
3. RETURNING OFFICER(REVENUE DIVISIONAL OFFICER)
KANHANGAD BLOCK PANCHAYATH
OFFICE OF REVENUE DIVISIONAL OFFICER
KAZARCODE AT KANHANGAD
KAZARCODE.P.O-671 121
4. ASSISTANT RETURNING OFFICER (BLOCK DEVELOPMENT OFFICER)
KANHANGAD BLOCK PANCHAYATH
KANHANGAD,KAZARCODE-671 315

R2-R4 BY ADV.BOBY JOHN PULIKKAPARAMBIL,GOVERNMENT PLEADER
R1 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.31726/2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE RECEIPT OF NOMINATION PAPER AND NOTICE FOR SCRUTINY ISSUED BY THE 4TH RESPONDENT DATED 14.10.2015.

P2-TRUE COPY OF CERTIFICATE ISSUED BY THE 4TH RESPONDENT STATING THAT THE PETITIONER MAKES AN OATH AND AFFIRMATION BEFORE HIM DATED 14.10.2015.

P3-TRUE COPY OF THE FORM UNDER SECTION 29(e) DATED NIL

P4-TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DATED 15.10.2015

P5-TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 15.10.2015

P6-TRUE COPY OF THE COMMUNICATION DATED 16.10.2015.

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 31726 OF 2015

Dated this the 16th day of October, 2015

JUDGMENT

Whether the oath or affirmation made by the petitioner was duly executed or attested in the proper form is a matter for evidence. The petitioner is free to challenge the rejection of her nomination in a properly constituted election petition. There is a bar under Article 243-O(b) of the Constitution of India to entertain this writ petition at this juncture.

The writ petition fails and hence dismissed.

V.CHITAMBARESH, JUDGE

sks