

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. 31752 of 2015 (T)

PETITIONER(S) :

GANESAN AGED 53 YEARS
S/O.MUTHAYYA, ANIL BHAVAN,
ERACHILPARA, DEVIKULAM-685 613.

BY ADVS.SRI.THOMAS M.JACOB
SRI.T.R.JERRY SEBASTIAN

RESPONDENT(S) :

1. STATE OF KERALA REP. BY SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR, IDUKKI DISTRICT, PAINAVU.P.O
3. THE RETURNING OFFICER, G-13,
DEVIKULAM GRAMAPANCHAYATH, TALUK SUPPLY OFFICE
DEVIKULAM PIN-685 613.

R3 BY ADV. SRI.MURALI PURUSHOTHAMAN, STANDING COUNSEL
R1-R2 BY BOBY JOHN PULIKKAPARAMBIL, GOVERNMENT PLEADER

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.31752/2015

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE ACKNOWLEDGMENT FOR RECEIPT OF THE SUBMISSION OF
NOMINATION

P2-TRUE COPY OF ORDER NO.CS.1-1755/15 DATED 15.10.2015 REJECTING THE
NOMINATION OF THE PETITIONER

P3-TRUE COPY OF THE RELEVANT PAGE OF THE ELECTORAL ROLL OF THE
PETITIONER

P4-TRUE COPY OF THE RELEVANT PAGES OF THE HAND BOOK OF RETURNING OFFICER

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 31752 OF 2015

Dated this the 16th day of October, 2015

JUDGMENT

The mistaken entry in the nomination put in by the petitioner was allegedly corrected by another at the time of scrutiny. Whether the mistakes corrected are of substantial nature and that the person who corrected the same was the proposer or an authorized person are matters for evidence.

2. The writ petition which raises disputed questions of fact cannot be entertained particularly when there is a bar under Article 243-O(b) of the Constitution of India. The petitioner is free to file a properly constituted election petition questioning the election and challenge the rejection of his nomination.

The writ petition fails and hence dismissed.

V.CHITAMBARESH, JUDGE

sks