

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 31898 of 2015 (J)

PETITIONER:

N.SUDHEER, AGED 37 YEARS,
S/O. NARAYANAN, KIZHAKKEKALAM,
KARUMADY P.O., AMBALAPPUZHA,
ALAPPUZHA DISTRICT.

BY ADVS. SRI. S. SANAL KUMAR
SRI. M. T. SURESHKUMAR
SMT. T. J. SEEMA
SMT. BHAVANA VELAYUDHAN
SMT. SMITHA PHILIPPOSE

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
ALAPPUZHA - 688 001.
2. THE RETURNING OFFICER,
AMBALAPPUZHA SOUTH GRAMA PANCHAYAT
ALAPPUZHA - 688 004.
3. THE KERALA STATE ELECTION COMMISSION,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE COMPLEX
LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM. 695 033.

BY ADV. SRI. MURALI PURUSHOTHAMAN, SC, K.S.E. COMMISSION
BY GOVERNMENT PLEADER SRI. BOBY JOHN PULIKKAPARAMBIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE DEPOSIT RECEIPT DATED 14.10.2015.
- EXHIBIT P2 : TRUE COPY OF THE ORDER OF THE RETURNING OFFICER DATED 15.10.2015.
- EXHIBIT P3 : TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 15.10.2015.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 17.10.2015.
- EXHIBIT P5 : TRUE COPY OF THE RELEVANT PAGES OF THE HAND BOOK PERTAINING TO SCRUTINY OF NOMINATIONS ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 31898 OF 2015

Dated this the 20th day of October, 2015

JUDGMENT

The nomination paper reflects that the petitioner is contesting from Ward No. VI whereas the proposer is from Ward No. IX. Whether the mistake in the nomination paper as regards the place of contest is substantial or not is a matter for evidence. The list of contesting candidates has already been published on 17.10.2015. It is too late in the day to tinker with the election process when the petitioner has an alternate remedy. There is also a bar under Article 243 O to entertain this writ petition at this juncture.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd