

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. 31910 of 2015 (K)

PETITIONER(S):

ANOOP.A., AGED 40 YEARS
S/O.ABDUL RAHMAN
THUNDIL POCHAYIL, PANDI P.O.,
CHERUTHANA, ALAPPUZHA DISTRICT.

BY ADVS.SRI.S.SANAL KUMAR
SMT.T.J.SEEMA
SMT.BHAVANA VELAYUDHAN

RESPONDENT(S):

1. THE DISTRICT COLLECTOR
ALAPPUZHA - 688 001
2. THE RETURNING OFFICER
CHERUTHANA GRAMA PANCHAYAT
ALAPPUZHA - 690 517
3. THE KERALA STATE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
CORPORATION OFFICE COMPLEX
LMS JUNCTION, PALAYAM
THIRUVANANTHAPURAM - 695 033.

R3 BY ADV. SRI.MURALI PURUSHOTHAMAN, SC,K.S.E.COMMISSION
R 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 IN W.P.(C) No.31910 of 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE VOTERS LIST PERTAINING TO WARD NO.II OF CHERUTHANA GRAMA PANCHAYAT.
- EXHIBIT P2 : TRUE COPY OF THE VOTERS LIST PERTAINING TO WARD NO.II OF CHERUTHANA GRAMA PANCHAYAT PUBLISHED BY THE ELECTION COMMISSION DATED 7.9.2015
- EXHIBIT P3 : TRUE COPY OF THE COMPLIANT FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 16.10.2015
- EXHIBIT P4 : TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT DATED 16.10.2015
- EXHIBIT P5 : TRUE COPY OF THE COMPLAINT FILED BY THE 35 VOTERS FROM THE WARD BEFORE THE FIRST RESPONDENT
- EXHIBIT P6 : TRUE COPY OF THE RELEVANT PAGES OF THE HANDBOOK PERTAINING TO SCRUTINY OF NOMINATIONS ISSUED BY THE THIRD RESPONDENT.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.31910 of 2015

Dated this the 20th day of October, 2015

J U D G M E N T

An order rejecting the nomination put in by the petitioner has not been exhibited. It transpires that the electoral roll number of the petitioner was wrongly entered in the nomination. Whether the mistake is of substantial character or not is a matter for evidence.

2. It is too late in the day to tinker with the election process. The list of contesting candidates has already been published on 17.10.2015. The petitioner has an effective remedy by way of Election Petition.

3. There is also the bar under Article 243-O of the Constitution of India to entertain the writ petition.

The writ Petition fails. Dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj/20.10.15