

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. 31990 of 2015 (W)

PETITIONER:

**FATHMA, AGED 48 YEARS
WIFE OF KUNHIMOIDEEN
MOOCHIKADAN HOUSE
PARAPPUR P.O.
PARAPPUR GRAMA PANCHAYAT
MALAPPURAM DISTRICT
PIN - 656 728**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENTS:

- 1. KERALA STATE ELECTION COMMISSION
CORPORATION OFFICE COMPLEX
LMS JUCTION, PALAYAM,
THIRUVANANTHAPURAM
PIN - 695 033
REPRESENTED BY SECRETARY**
- 2. THE DISTRICT COLLECTOR AND DISTRICT ELECTION OFFICER
MALAPPURAM**
- 3. THE RETURNING OFFICER, PARAPPUR GRAMA PANCHAYAT
(THE ASSISTANT EXECUTIVE ENGINEER, PWD, (LSGD)
VENGARA BLOCK PANCHAYAT OFFICE, VENGARA P.O.,
MALAPPURAM DISTRICT, PIN - 676 304**
- 4. THE ASSISTANT RETURNING OFFICER,
PARAPPUR GRAMA PANCHAYAT
(THE SECRETARY PARAPPUR GRAMA PANCHAYAT)
PARAPPUR GRAMA PANCHAYAT OFFICE,
PARAPPUR P.O., MALAPPURAM DISTRICT
PIN - 676 503**
- 5. SRI. ANIL DAS, THE ASSISTANT EXECUTIVE ENGINEER
PWD, (LSGD), VENGARA BLOCK
PANCHAYAT OFFICE, VENGARA P.O.,
MALAPPURAM DISTRICT
PIN- 676 304**

WP(C).No. 31990 of 2015 (W)

**6. SMT. NASEERA THOOMBATH
W/O. ABDULSALAM,
VATTAPARAMBU
PARAPPUR P.O.,
MALAPPURAM DISTRICT
PIN - 676 503**

**R1 BY ADV.SRI.MURALI PURUSHOTHAMAN, SC,
KERALA STATE ELECTION COMMISSION
R2 BY GOVERNMENT PLEADER SRI. MURALI PURUSHOTHAMAN**

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

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE NOTIFICATION DATED 07.10.2015 ISSUED BY THE FIRST
RESPONDENT ELECTION COMMISSION**
- P2 : COPY OF THE REPRESENTATION DATED 15.10.15 BEFORE THE FIRST
RESPONDENT**
- P3 : COPY OF THE NEWS ITEM APPEARED IN SUPRABHATHAM DAILY DATED
18.10.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 31990 OF 2015

Dated this the 20th day of October, 2015

JUDGMENT

The order rejecting the nomination put in by the petitioner has not been exhibited. It transpires that Form No. 2A which accompanied the nomination as provided under Section 52(1A) of the Kerala Panchayat Raj Act, 1994 was not signed by the petitioner. Whether the defect noticed is of substantial character or not is a matter for evidence.

2. Moreover the list of contesting candidates has already been published on 17.10.2015. It will be inequitable to tinker with the process of election at this juncture. There is also a bar under Article 243 O of the Constitution of India to entertain this writ petition.

3. The petitioner is free to agitate the question in a properly constituted election petition. The petitioner is at liberty to urge all the grounds available while call in question the election.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**