

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. 32016 of 2015 (B)

PETITIONER:

**SRI.K.PREMKUMAR,
AGED 31 YEARS
S/O. KARUPPASWAMY S
RESIDING AT K.D.H.P. - CHOCHANAD ESTATE
SOUTH DIVISION, MUNNAR
685 612**

BY ADV. SRI.DALE P.KURIEN

RESPONDENTS:

- 1. THE RETURNING OFFICER,
MUNNAR GRAMA PANCHAYATH
MUNNAR - 685 612**
- 2. THE PRESIDENT
MUNNAR GRAMA PANCHAYATH
MUNNAR - 685 612**
- 3. THE DISTRICT COLLECTOR
IDUKKI DISTRICT
IDUKKI - 685 601**
- 4. STATE ELECTION COMMISSION, KERALA
HAVING OFFICE AT CORPORATION OFFICE COMPLEX
L.M.S. JUNCTION, VIKAS BHAVAN P.O.
THIRUVANANTHAPURAM - 695 033
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER**

**R3 BY GOVERNMENT PLEADER SRI. BOBY JOHN PALIKKAPARAMBIL
R4 BY ADV.SRI.MURALI PURUSHOTHAMAN, SC, KERALA STATE
ELECTION COMMISSION**

**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

P1 : COPY OF DULY FILLED UP FORM 2A

P1(a) : COPY OF THE VOTERS I.D. CARD ISSUED ON 19.07.2005, TOWARD PHOTO IDENTITY

P1(b) : COPY OF THE RATION CARD ISSUED ON 06.06.2013 TOWARDS ADDRESS PROOF

P1(c) : COPY OF THE TRANSFER CERTIFICATE FROM SECONDARY SCHOOL ISSUED ON 15.06.2000, AS AGE PROOF

P1(d) : COPY OF THE CERTIFICATE FROM THE SECRETARY OF MUNNAR GRAMA PANCHAYATH DATED 13.10.2015 AS PROOF OF NO LIABILITY IN THE INSTITUTION TO WHOSE OFFICE, HE CONTESTS AS AN ELECTED OFFICE BEARER

P2: COPY OF THE ORDER DATED 15.10.2015 ISSUED BY THE 1ST RESPONDENT

P3: COPY OF THE FRONT COVER OF THE HAND BOOK FOR RETURNING OFFICERS PUBLISHED BY THE STATE ELECTION COMMISSION OF KERALA

P3(a): COPY OF THE PREFACE OF THE HAND BOOK FOR RETURNING OFFICERS PUBLISHED BY THE STATE ELECTION COMMISSION OF KERALA

P3(b): COPY OF THE PAGE NO. 14 OF THE HAND BOOK FOR RETURNING OFFICERS PUBLISHED BY THE STATE ELECTION COMMISSION OF KERALA

P3(c): COPY OF THE PAGE NO. 15 OF THE HAND BOOK FOR RETURNING OFFICERS PUBLISHED BY THE STATE ELECTION COMMISSION OF KERALA.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 32016 OF 2015

Dated this the 20th day of October, 2015

JUDGMENT

One of the entries in Form No. 2A accompanying the nomination paper was allegedly not filled up by the petitioner. Whether the defect made mention of is of substantial character or not is a matter to be decided on evidence.

2. The list of contesting candidates has already been published on 17.10.2015 and it will be inequitable to tinker with the election process. There is also a bar under Article 243 O of the Constitution of India to entertain this writ petition at this juncture. The petitioner has an effective remedy by a way of election petition to call in question the election.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS