

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937Q

WP(C).No. 32393 of 2015 (Y)

PETITIONER:

**D.PRASAD KUMAR
AGED 42 YEARS
S/O. DIVAKARAN PILLAI
BHARATH BHAVAN
PLAVOOR, AMACHAL P.O.
KATTAKADA
THIRUVANANTHAPURAM - 695 572**

BY ADV. SMT.KEERTHI SOLOMON

RESPONDENTS:

- 1. THE CHIEF ELECTION COMMISSIONER,
LEGISLATIVE ASSEMBLY BUILDING
PMG, THIRUVANANTHAPURAM - 695 543**
- 2. THE DISTRICT RETURNING OFFICER
COLLECTORATE, CIVIL STATION BUILDING
KUDAPPANAKUNNU P.O.
THIRUVANANTHAPURAM - 695 540**
- 3. THE ASST. RETURNING OFFICER
B6, VELLANAD BLOCK OFFICE
THIRUVANANTHAPURAM - 695 543**

BY ADV. SRLMURALI PURUSHOTHAMAN, SC, K.S.E. COMMISSION

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE RECEIPT AND SCRUTINY NOTICE DATED 14.10.2015**
- P2 : COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA WITH REGARD TO THE REJECTION OF NOMINATION PAPER OF THE PETITIONER DATED 16.10.2015**
- P3 : COPY OF THE INSTRUCTIONS OF THE KERALA STATE ELECTION COMMISSION WITH REGARD TO THE SCRUTINY OF NOMINATION PAPER DATED 10.10.2015**
- P4 : COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DATED 16.10.2015**
- P5 : COPY OF THE COMPLAINT DATED 15.10.2015 BEFORE THE 2ND RESPONDENT**
- P6: COPY OF THE COMPLAINT DATED 15.10.2015 BEFORE THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 32393 OF 2015

Dated this the 26th day of October, 2015

JUDGMENT

Whether the nomination paper put in by the petitioner was defective warranting a rejection is a matter for evidence. There is a bar under Article 243 O(b) of the Constitution of India to entertain this writ petition at this juncture. The petitioner is free to urge all questions in a properly constituted election petition.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS