

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

C.A. (Writ) 296/2015

Murugan Kumaravel
Group Leader - Rejected Independent Group
Jaffna Electoral District Parliament Elections -2015
Sanguveli South,
Manippai
Jaffna

Petitioner

Vs.

Mahinda Deshapriya
Commissioner of Elections
Department of Elections
Sarana Road
Rajagiriya

And 9 others

Respondents

C.A. (Writ) Application No. 296/2015

BEFORE : VIJITH K. MALALGODA PCJ (P/CA) &
H.C.J. MADAWALA, J.

COUNSEL : Rushdhie Habeeb with Shafraz Hamza the
Petitioner.
Janak de Silva DSG for the A.G.

SUPPORTED ON : 22nd July, 2015.

VIJITH K. MALALGODA PCJ (P/CA)

Heard Counsel for the petitioner in support of this application and also learned Deputy Solicitor General appearing for the Attorney General in this matter.

The petitioner has come before this Court seeking a Writ of Certiorari and Mandamus with regard to the nominations they have submitted to contest 2015 General Election from the Jaffna District. The petitioner alleged that the decision by the 2nd respondent to reject their nominations was made in violation of the provision of the Parliamentary Elections Act. However, the learned Deputy Solicitor

General appearing for the Attorney General has submitted before us, the nomination paper tendered by the independent group who are the petitioners before this Court where the leader of the said group had failed to place his signature at the column where he has to submit his consent. The position taken by the petitioner was that the group leader has placed his signature on two other places namely, as the group leader he has placed his signature at the bottom of the nomination paper and also he has placed his signature at a place where a correction had been made but he has not placed his signature on the column where he supposed to give his consent. The petitioner submits that by looking at this nomination paper the consent given by the leader of this group is apparent and therefore rejection of their nomination paper was illegal. However, it is brought to the notice of this Court by the learned Deputy Solicitor General the relevant provision of the Parliamentary Elections Act which clearly states that the each candidate will have to place his signature giving his consent to contest for this General Election in the nomination paper itself. The requirement of the group leader's signature at the bottom of the nomination paper is a different requirement under the Parliamentary Election Act. Therefore, it is wrong to conclude that, for the fact that he has placed his signature as the group leader will not indicate that he has consented to contest in the said Election. It is also submitted by the learned Deputy Solicitor General that the acts of the

Returning Officer is purely a ministerial nature and this Court on several decided cases has confirm this position. Considering all these issues, we see no reason for us to interfere with the decision of the Returning Officer at this stage. Therefore, we refuse to issue notices in this application.

Application is accordingly dismissed.

PRESIDENT OF THE COURT OF APPEAL

H.C.J. MADAWALA, J.

I agree.

JUDGE OF THE COURT OF APPEAL

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