

1971 Present : H. N. G. Fernando, C.J., and Wijayatilake, J.

A. R. SILVA, Petitioner, and K. N. W. ABEYSEKERA and 5 others,
Respondents

S. C. 819/70—Application for a Mandate in the nature of a Writ of Mandamus on K. N. W. Abeysekera, Assistant Elections Officer, Kalutara, and 5 others

Local Authorities Elections Ordinance (Cap. 262)—Section 31 (2)—Meaning of term “true copy”—Mandamus.

When the nomination paper of a candidate and a true copy thereof are delivered to the returning officer in conformity with the requirement of section 31 (1) of the Local Authorities Elections Ordinance, it is not necessary that the true copy should bear the signature of the proposer or seconder. A copy of some signed document need not itself be signed.

APPPLICATION for a Writ of *Mandamus*.

Nawaz J. Vilcassim, for the petitioner.

S. Sivarasa, Crown Counsel, for the respondent.

January 20, 1971. H. N. G. FERNANDO, C.J.—

The petitioner was a candidate for election to a Village Council. On nomination day two sets of nomination papers for the nomination of the petitioner were delivered to the returning officer with copies thereof. The returning officer rejected one set on the ground that the copy did not bear the signature of the Secunder of the candidate. Section 31 (2) of the Local Authorities Elections Ordinance requires that every nomination paper shall be delivered to the returning officer together with a copy thereof. There is no provision in the sub-section that a copy need bear the signature of the Proposer or Secunder, nor having regard to the true meaning of the word “copy” can it be said that a copy of some signed document need itself be signed. In fact there are numerous provisions

in our Statutes relating to copies of documents from which it is perfectly clear that a copy of a document can be and is ordinarily made by some person other than the signatory of the document.

We are therefore of opinion that the returning officer wrongly rejected this nomination paper. In view of the fact that the election in question has not yet taken place, learned Crown Counsel does not rely on any other objections which might have been taken to the present application.

The Mandate asked for by the petitioner is granted. In the circumstances, I make no order as to the costs of this application.

WIJAYATILAKE, J.—I agree.

Application allowed.