

1982 February 25

[TRIANTAFYLIDES, P.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

LOIZOS PHILIPPOU SEPOS,

*Applicant.*

v.

THE REPUBLIC OF CYPRUS, THROUGH  
THE MINISTER OF INTERIOR,

*Respondent.*

(Case No. 169/79).

---

*Elections—Presidential elections—Alleged prevention of applicant from entering his candidature—His remedy might possibly be by way of an election petition and not by way of a recourse under Article 146.1 of the Constitution.*

5       The applicant by means of a recourse under Article 146 of the  
Constitution sought a judgment obliging the President of the  
Republic to implement an agreement which was allegedly  
entered into between the Minister of Interior and the applicant  
and as a result of which the applicant decided not to become a  
10       candidate for the presidential election which took place on  
19th February 1978.

15       *Held*, that even if the applicant's version, which appears to be  
unfounded and absurd, was to be treated as correct, the claim  
which he makes in his present recourse is obviously entirely  
outside the ambit of Article 146 of the Constitution and, there-  
fore, it has to be dismissed.

*Application dismissed.*

**Recourse.**

20       Recourse for a judgment obliging the President of the Re-  
public to implement an agreement which was allegedly entered  
into between the Minister of Interior and the applicant and as

a result of which applicant decided not to become a candidate for the Presidential election which took place on 19.2.1978.

Applicant appeared in person.

*R. Gavrielides*, Senior Counsel of the Republic, for the respondent.

5

*Cur. adv. vult.*

TRIANTAFYLIDIS P. read the following judgment. In this case the applicant seeks, by means of the present recourse under Article 146 of the Constitution, a judgment obliging the President of the Republic to implement an agreement which was allegedly entered into between the Minister of Interior and the applicant and as a result of which the applicant decided not to become a candidate for the presidential election which took place on 19th February 1978.

10

The applicant contends that since the aforementioned alleged agreement has not been implemented he was prevented by deception from entering his candidature for the said election.

15

It has been alleged by the applicant that by virtue of the agreement in question the Government undertook, in particular, to abolish interest on loans and that subsequently it has failed to do so.

20

The respondent Minister of Interior denies the veracity of the version of the applicant.

In any event, even if the applicant's version, which appears to me to be unfounded and absurd, was to be treated as correct, the claim which he makes in his present recourse is obviously entirely outside the ambit of Article 146 of the Constitution and, therefore, it has to be dismissed.

25

If, conceivably, it could be said that the applicant was, by an illegal practice on the part of the respondent, prevented from entering his candidature for the presidential election in question his remedy, if any, might possibly be by way of an election petition against the outcome of the said election, and not by way of the present recourse under Article 146.

30

In the light of the foregoing this recourse fails and it is dismissed with costs against the applicant.

35

*Recourse dismissed with costs against applicant.*