

1985 June 29

[TRIANTAFYLIDIS, P.]

IN THE MATTER OF ARTICLE 146  
OF THE CONSTITUTION

MODESTOS PITSILLOS,

*Applicant,*

*v.*

THE REPUBLIC OF CYPRUS, THROUGH

1. THE ATTORNEY-GENERAL OF THE REPUBLIC,
2. THE MINISTRY OF INTERIOR,
3. THE RETURNING OFFICER FOR THE  
PRESIDENTIAL ELECTION,

*Respondents.*

*(Case No. 78/78).*

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*Revisional Jurisdiction—Refusal to furnish applicant with the necessary forms in order to present his candidature in relation to the Presidential election in 1978—Not justiciable under Article 146 of the Constitution—Applicant's remedy an election petition under Article 145.*

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*Constitutional Law—Constitution, Articles 145 and 146.*

The applicant's complaint is that when he sought to be furnished with the necessary forms in order to present his candidature in relation to the Presidential election in 1978 he was allegedly refused such forms by respondent 3.

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*Held*, dismissing the recourse, that the remedy of the applicant could only have been an election petition under Article 145 of the Constitution.

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*Recourse dismissed.  
No order as to costs.*

**Cases referred to:**

*Sepos v. The Presidential Election Returning Officer* (1968)  
3 C.L.R. 82;

*Pitsillos v. Ministry of Interior* (1971) 3 C.L.R. 137 and  
on appeal (1971) 3 C.L.R. 397;

*Pitsillos v. Republic* (1982) 3 C.L.R. 676.

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**Recourse.**

Recourse against the refusal of the respondents to furnish applicant with the necessary forms in order to present his candidature in relation to the Presidential election in 1978.

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Applicant appeared in person.

*G. Erotokritou (Mrs.)*, Counsel of the Republic, for the respondents.

*Cur. adv. vult.* 15

TRIANTAFYLLIDES P. read the following judgment. At the hearing of this recourse counsel for the respondents has raised the preliminary objection, which is set out in the Opposition, namely that, in view of the provisions of Article 145 of the Constitution, this recourse under Article 146 could not have been made.

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The applicant's complaint is that when he sought to be furnished with the necessary forms in order to present his candidature in relation to the Presidential election in 1978 he was allegedly refused such forms by respondent 3.

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On the strength of case-law of this Court such as *Sepos v. The Presidential Election Returning Officer*, (1968), 3 C.L.R. 82, *Pitsillos v. Ministry of Interior*, (1971) 3 C.L.R. 137, and on appeal (1971) 3 C.L.R. 397, and *Pitsillos v. The Republic*, (1982) 3 C.L.R. 676, which was upheld on appeal in Revisional Jurisdiction Appeal No. 268, I have reached the conclusion that the preliminary objection of counsel for the respondents has to be sustained as the remedy of the applicant, regarding his aforementioned

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tioned complaint, could only have been an election petition under Article 145 of the Constitution and not, also, the present recourse under Article 146 of the Constitution.

5 In the result this recourse is dismissed; but I will not make any order as to its costs.

*Recourse dismissed with  
no order as to costs.*