

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1082 of 2020

and

W.M.P. Nos. 1287 and 1290 of 2020

M. Jayapal

... Petitioner

-vs-

1. The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No. 208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai - 600 106.
2. The District Election Officer,
Cuddalore District.
3. The Returning Officer,
For the election to the post of
Cuddalore District Panchayat Ward Member,
Ward No. 12,
Cuddalore District Panchayat,
Cuddalore District.

4. R. Shanmuga Sudaram ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Third Respondents to re-count the votes in respect of the post of Cuddalore District Panchayat Ward member, Ward No. 12, Cuddalore District Panchayat, Cuddalore District within a reasonable time to be fixed by this Court.

For Petitioner : Mr. A. Gopinath

For Respondents : Mr. AR.L. Sundaresan,
Senior Counsel assisted by
Mr. B. Nedunchezhiyan,
Learned Standing Counsel (for R1)
Mr. V. Jayaprakash Narayanan,
Government Pleader
(for R2 and R3)

O R D E R

Mr. AR.L. Sundaresan, Learned Senior Counsel assisted by Mr. B. Nedunchezhiyan, Learned Standing Counsel takes notice for the First Respondent and Mr. V. Jayaprakash Narayanan, Learned Government Pleader takes notice for the Second and Third Respondents.

2. When it is pointed out by the Learned Senior Counsel appearing for the First Respondent that the Petitioner has got an effective alternative remedy by way of election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same and he has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Tamil Nadu State Election Commission,
No. 208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam, Chennai - 600 106.
2. The District Election Officer, Cuddalore District.
3. The Returning Officer,
For the election to the post of
Cuddalore District Panchayat Ward Member,
Ward No. 12, Cuddalore District Panchayat,
Cuddalore District.

+1 cc to M/s.A.Gopinath, Advocate Sr.No. 4137

AKM/11.02.2020/2P- 5C /

W.P. No. 1082 of 2020