

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2020

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17725 of 2020

&

WMP.No.21969 of 2020

Mr.P.Jagannathan

..Petitioner

Vs

1. The State Election Commissioner,
Tamil Nadu,
208/2, Jawaharlal Nehru Street Road,
Opposite to Koyambedu Bus Terminal,
Arumbakkam, Chennai 600 106.
2. The District Election Officer,
Collector Office,
Tiruvallur 602 001.
3. The Returning Officer cum Block
Development Office, R.K.Pettai Taluk,
Tiruvallur District.
4. Mrs.jayalalitha
Village Panchayat President,
Ayyaneri Village, R.K.Pettai Taluk,
Tiruvallur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to declare the election of respondent No.4 as Ayyaneri Village Panchayat President as null and void and consider representation of the petitioner dated 06.01.2020 .

For petitioner : Mr.N.Suriyamuthu
For Respondents : Mr.Nedunchezhiyan
Standing counsel for R1
Mr.Jayaprakash Narayanan
State Govt.Pleader for R2 & R3

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 3 to declare the Election of the 4th respondent as the Panchayat President, as null and void, by considering the representation made by the petitioner on 6.1.2020.

2. Heard Mr.Suriyamuthu, learned counsel for the petitioner and Mr.Nedunchezhiyan, learned Standing counsel appearing for 1st respondent and Mr.Jayaprakash Narayanan, learned State Govt. Pleader appearing for the respondents 2 and 3.

3. The petitioner has raised various factual issues before this Court in the present Writ Petition in order to convince this Court that the election of the 4th respondent as the Village Panchayat President is null and void and it has to be set aside. In the considered view of this Court, a Writ Petition can never be entertained in an election dispute of this nature.

4. An efficacious remedy is provided under Section 258 of the Tamil Nadu Panchayats Act 1994 and the petitioner ought to have filed an Election Petition before the appropriate court. Without doing so, merely sending a representation to respondents 1 to 3 cannot give a cause of action for the petitioner to maintain the present Writ Petition. This Court does not find any ground to entertain the Writ petition and accordingly, the same is dismissed. No costs. Consequently WMP.No.21969 of 2020 is closed

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Msr

To

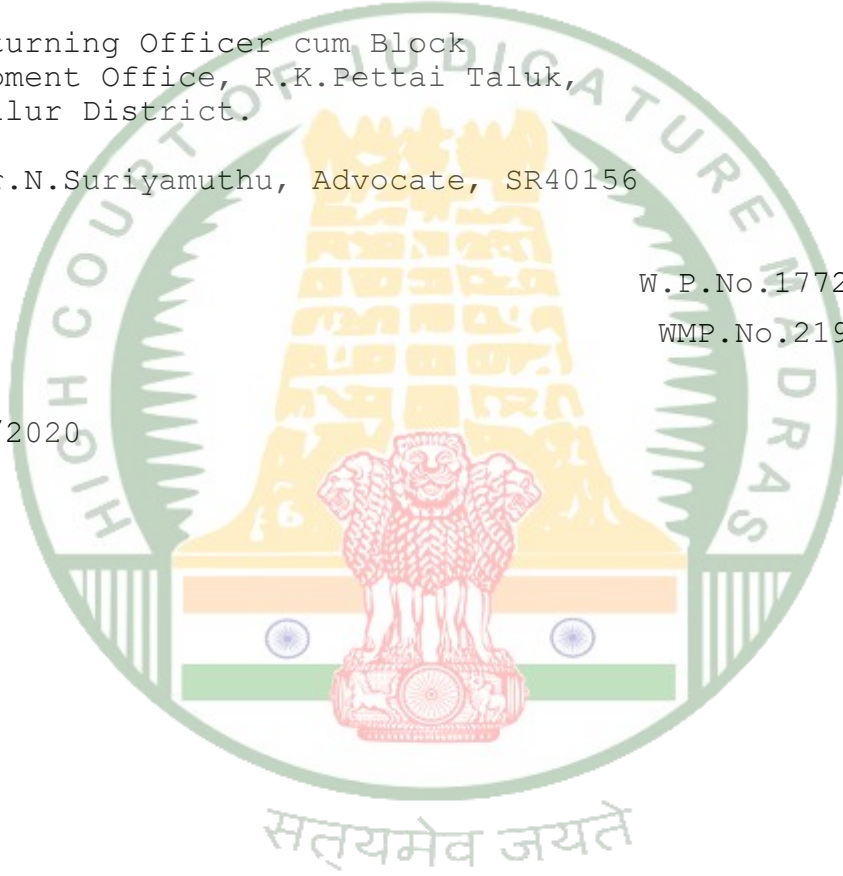
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+1CC to Mr.N.Suriyamuthu, Advocate, SR40156

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CO (UM)

BDL/28/12/2020



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