



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.P(MD)No.178 of 2020
and
W.M.P(MD)No.112 of 2020**

N.Nallakannu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by
The Election Commissioner,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambedu,
Chennai - 600 106.
- 2.The District Election Officer - cum - District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Police,
Thoothukudi District.
- 4.The Block Development Officer - cum - Returning Officer,
Srivaikundam Panchayat Union,
Srivaikundam Taluk,
Thoothukudi District.

5.S.Parvathi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to recount the votes for the post of Panchayat President in Vellore Athichanallur Village, Srivaikundam Taluk, Thoothukudi District, based on the petitioner's representation dated 02.01.2020 within the time stipulated by this Court.

For Petitioner

: Mr.P.M.Vishnuvarthanan



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For Respondents : Mr.Raja Karthikeyan for R.1

Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader
for R.2 to R.4

ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to recount the votes for the post of Panchayat President in Vellore Athichanallur Village, Srivaikundam Taluk, Thoothukudi District, based on the petitioner's representation dated 02.01.2020 within the time frame.

2. When the petitioner has got alternative remedy by way of filing an election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994, the petitioner chose to file the writ petition under Article 226 of the Constitution of India seeking for recounting. Since the issue involved is a matter for evidence, we are not inclined to entertain the writ petition. However, it is open to the petitioner to file an election petition seeking for appropriate relief in accordance with law.

3. With these observations, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

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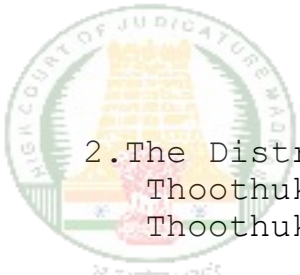
Sub Assistant Registrar(CS)

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To

1.The Election Commissioner,
State of Tamil Nadu,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Election Officer - cum - District Collector,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Police,
Thoothukudi District.

4.The Block Development Officer - cum - Returning Officer,
Srivaikundam Panchayat Union,
Srivaikundam Taluk,
Thoothukudi District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-624[F] dated 07/01/2020

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-850[F] dated
08/01/2020)

+1 CC to M/s.SPL.GP (SR-1059[F] dated 09/01/2020)

W. P (MD) No. 178 of 2020

and

W. M. P (MD) No. 112 of 2020

07.01.2020

JMN (22.01.2020) 3P : 8C