



WEB COPY

W.P(MD)No.181 of 2020

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.181 of 2020

and

W.M.P(MD)No.116 of 2020

Shanthi

... Petitioner

Vs.

1.The Chief Electoral Officer,
Public (Elections) Department,
State of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

2.Tamil Nadu State Election Commission,
represented by
Tamil Nadu State Election Commissioner,
Arumbakkam, Chennai.

3.The District Collector / District Election Officer,
Dindigul, Dindigul District.

4.The Assistant Election Officer,
Office of the Assistant Election Officer,
Nilakottai Union,
Dindigul District.

5.The Assistant Inspector of Elections,
Nilakottai Union,
Dindigul District.

6.Sudha

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare the election for the Panchayat Ward Member post of the fifth Ward of Silukuvarpatti Panchayat, Nilakottai, Dindigul District, as null and void and consequently, direct the respondents to conduct re-election for the Ward Member post of the fifth Ward of Silukuvarpatti Panchayat, Nilakottai, Dindigul District, in a transparent manner and in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Chellapandian

Additional Advocate General assisted by
Mr.VR.Shanmuganathan

Special Government Pleader for R.1, R.3 to R.5

Mr.Raja Karthikeyan for R.2



ORDER

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

The petitioner has filed the above writ petition to issue a writ of declaration to declare the election for the Panchayat Ward Member post of the fifth Ward of Silukuvarpatti Panchayat, Nilakottai, Dindigul District, as null and void and consequently, direct the respondents to conduct re-election for the Ward Member post.

2. The petitioner has filed the writ petition without exhausting alternative remedy by way of an election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. When the petitioner has got alternative remedy, she should exhaust the same. Further the issue involved in the present writ petition is a matter for evidence and therefore, the proper Forum to grant relief to the petitioner is only the District under Section 258 of the Tamil Nadu Panchayats Act, 1994.

3. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, 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)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Chief Electoral Officer,
Public (Elections) Department,
State of Tamil Nadu, Fort St. George, Secretariat,
Chennai - 600 009.
 - 2.The State Election Commissioner,
Tamil Nadu State Election Commission,
Arumbakkam, Chennai.
 - 3.The District Collector / District Election Officer,
Dindigul, Dindigul District.
 - 4.The Assistant Election Officer,
Office of the Assistant Election Officer,
Nilakottai Union, Dindigul District.
 - 5.The Assistant Inspector of Elections,
Nilakottai Union, Dindigul District.
- +1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-622[F] dated 07/01/2020
+1 CC to M/s.R.ALAGUMANI, Advocate (SR-600[F] dated 07/01/2020)
+1 CC to M/s.SPL.GP (SR-1058[F] dated 09/01/2020)

W.P(MD)No.181 of 2020 and

W.M.P(MD)No.116 of 2020

07.01.2020

SMA / 21.01.2020/2P/9C

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