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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.01.2020
CORAM:
THE HONOURABLE MR.JUSTICE M.DURAISWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN
W.P.(MD) No.221 of 2020
and
W.M.P.(MD) No.136 of 2020

Muneeswari ... Petitioner

-vs-

1.The State of Tamilnadu
Rep.by the Election Commissioner
Jawaharlal Nehru Road
Jai Nagar, Koyambedu
Chennai-600 106

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

3.The Superintendent of Police, Madurai District

4.The Block Development Officer-cum-
Returning Officer, Thirumangalam Panchayat Union
Thirumangalam Taluk, Madurai District

5.Thavamani ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to recount the votes for the post of Panchayat President in Kaandai Panchayat, Sathangudi Post, Thirumangalam Taluk, Madurai District, based on the petitioner's representation dated 05.01.2020, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.Raja Karthikeyan
Standing Counsel for R1
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R2 to R4

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O R D E R

[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 Kaandai Panchayat, Sathangudi Post, Thirumangalam Taluk, Madurai District, based on her representation dated 05.01.2020, within the time stipulated by this Court.

2. It is the case of the petitioner that the fourth respondent had not counted the votes polled in the election in a proper manner and therefore, she has sent a representation to the respondents 1 to 4, by registered post, on 05.01.2020, seeking for recounting of the votes.

3. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents 2 to 4, submitted that the fifth respondent was declared as the elected candidate and Form-25 was issued to her and she has also taken oath today.

4. However, the learned counsel for the petitioner disputed the submissions made by the learned Additional Advocate General and submitted that the Authorities have not issued Form-25 to the fifth respondent.

5. In any event, when the petitioner is seeking for recounting of the votes after the declaration of the results, the remedy open to her is only to file election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. In such view of the matter, we are not inclined to entertain the writ petition. It is open to the petitioner to file election petition in accordance with law.

6. With these observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

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Sub Assistant Registrar(CS)

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To:
1.The District Election Officer-cum-
District Collector,
Madurai District,
Madurai.

2.The Superintendent of Police,
Madurai District,

3.The Block Development Officer-cum-
Returning Officer,
Thirumangalam Panchayat Union,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-418[F] dated 07/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-626[F] dated 07/01/2020)

+1 CC to M/s.SPL.GP (SR-717[F] dated 08/01/2020)

W.P.(MD) No.221 of 2020
and
W.M.P.(MD) No.136 of 2020
06.01.2020

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