



WEB COPY

W.P(MD)No.247 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.247 of 2020

and

W.M.P(MD)No.165 of 2020

K.Jayakodi

... Petitioner

Vs.

- 1.The Chief Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opposite to CMBT, Arumbakkam,
Chennai - 600 106.
- 2.The District Election Officer - cum - District Collector,
Dindigul District, Dindigul.
- 3.The Returning Officer - cum - Block Development Officer,
Palani Panchayat Union,
Palani Taluk,
Dindigul District.
- 4.Ezhumalai,
The Block Development Officer,
Palani Panchayat Union,
Palani Taluk,
Dindigul District.

5.Tamilselvi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 herein to recount the votes polled for the post of Panchayat President of Melakottai Village Panchayat, Palani Taluk, Dindigul District, in the presence of Election Observer by considering the petitioner's representation dated 02.01.2020 and declare the results accordingly within the time frame fixed by this Court.

For Petitioner	:	Mr.S.Manikandan
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 & R.3



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 1 to 3 to recount the votes polled for the post of Panchayat President of Melakottai Village Panchayat, Palani Taluk, Dindigul District, in the presence of Election Observer by considering the representation dated 02.01.2020.

2. The petitioner has filed the above writ petition directly without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. Since the issues involved in the writ petition are matter for evidence, the same cannot be decided in the writ petition. Hence, 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ssl

To

1.The Chief Election Commissioner,
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2.The District Election Officer - cum - District Collector,
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3.The Returning Officer - cum - Block Development Officer,
Palani Panchayat Union,
Palani Taluk,Dindigul District.

+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-934[F] dated
08/01/2020)

+1 CC to Mr.S.MANIKANDAN, Advocate (SR-1244[F] dated 09/01/2020)

+1 CC to SPL.GP (SR-1056[F] dated 09/01/2020)

W. P (MD) No. 247 of 2020

and

W. M. P (MD) No. 165 of 2020

07.01.2020