



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.250 of 2020
and
W.M.P(MD)No.167 of 2020**

S.Karnan

... 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,
Oddanchatram Panchayat Union,
Oddanchatram Taluk,
Dindigul District.
- 4.Kannan,
The Block Development Officer,
Oddanchatram Panchayat Union,
Oddanchatram Taluk,
Dindigul District.

5.K.Panneerselvam

... 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 and 2 herein to take action against the fourth respondent and the other erring officers who are responsible for malpractice at counting place and by declaring the elections results of Sinthalavadampatti Village Panchayat President as null and void and by directing the respondents to call for the fresh election by considering the petitioner's representation dated 04.01.2020 within the time frame fixed by this Court.



WEB COPY

WP(MD)No.250 of 2020

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 and 2 to take action against the fourth respondent and the other erring officers who are responsible for malpractice at counting place and by declaring the elections results of Sinthalavadampatti Village Panchayat President as null and void and by directing the respondents to call for the fresh election by considering the representation dated 04.01.2020.

2. Since the petitioner has filed the writ petition without exhausting the alternative remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994, the writ petition cannot be entertained. That apart, the issues involved in the present writ petition are matter for evidence and the same cannot be decided in the writ petition.

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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ssl

To

1.The Chief Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opposite to CMBT, Arumbakkam,
Chennai - 600 106.

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



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

3.The Returning Officer - cum - Block Development Officer,
Oddanchatram Panchayat Union,
Oddanchatram Taluk,
Dindigul District.

+1 CC to Mr.RAJA,KARTHIKEYAN, Advocate (SR-1070[F]dated
09/01/2020)

+1 CC to Mr.S.MANIKANDAN, Advocate (SR-1245[F] dated 09/01/2020)

W. P (MD) No. 250 of 2020

and

W. M. P (MD) No. 167 of 2020

07.01.2020

VB(22.01.2020) 3P 6C