



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

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

W.P. (MD) No.231 of 2020

and

W.M.P. (MD) No.143 of 2020

S.Sagunthala

... Petitioner

-vs-

1.The Tamil Nadu State Election Commission
Chennai-106

2.The District Election Officer
Sivagangai District, Sivagangai

3.The Assistant Returning Officer
Kalayarkovil Union
Sivagangai District

4.Seethalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to conduct a fresh poll for the post of Ward Member in the 1st Ward of Allur Panchayat, Kalaiyarkovil Union, Sivagangai District on the basis of the representation of the petitioner dated 03.01.2020.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.AR.L.Sundaresan, Senior Counsel
assisted by Mr.Raja Karthikeyan for R1
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R2 & R3

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 3 to conduct a



fresh poll for the post of Ward Member in the 1st Ward of Allur Panchayat, Kalaiyarkovil Union, Sivagangai District, on the basis of her representation, dated 03.01.2020.

2. The petitioner has got alternative remedy by way of election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. Instead of filing election petition, the petitioner has approached this Court by filing a writ petition under Article 226 of the Constitution of India. That apart, the issues involved in the present writ petition are the matter of evidence, which cannot be decided in a writ jurisdiction. In these circumstances, we are not inclined to entertain the writ petition.

3. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

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Chennai-106

2.The District Election Officer
Sivagangai District, Sivagangai

3.The Assistant Returning Officer
Kalayarkovil Union
Sivagangai District

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1567[F] dated 10/01/2020)

+1 CC to M/s.SPL.GP (SR-1617[F] dated 13/01/2020)

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