



WEB COPY

W.P(MD)No.229 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.229 of 2020

and

W.M.P(MD)No.141 of 2020

Theertham

... Petitioner

Vs.

1.The State Chief Election Officer,
State Election Commission,
Government of Tamil Nadu,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambedu,
Chennai.

2.The District Election Officer /
District Collector,
Ramanathapuram District.

3.The Election Officer /
Block Development Officer (Village Panchayat),
Kamudhi Panchayat Union,
Ramanathapuram District.

4.Amutha Karthikaisamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to recount the votes polled on 30.12.2019 for the Post of President, Papanam Village Panchayat, Kamudhi Panchayat Union, Ramanathapuram District, along with the postal votes received by the third respondent on 31.12.2019 and declare the results by considering the petitioner's representation dated 03.01.2020.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.Raja Karthikeyan for R.1



WEB COPY

W.P(MD)No.229 of 2020

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 on 30.12.2019 for the Post of President, Papanam Village Panchayat, Kamudhi Panchayat Union, Ramanathapuram District, along with the postal votes received by the third respondent on 31.12.2019 and declare the results by considering the representation dated 03.01.2020.

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 (CS-III)

// True Copy //

/ /2020

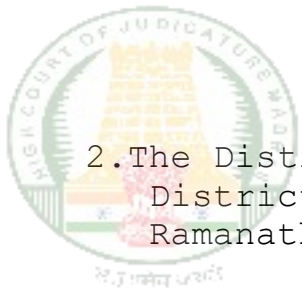
Sub Assistant Registrar(CS)

ssl

To

1.The State Chief Election Officer,
State Election Commission,
Government of Tamil Nadu,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambedu, Chennai.

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



2.The District Election Officer /
District Collector,
Ramanathapuram District.

3.The Election Officer /
Block Development Officer (Village Panchayat),
Kamudhi Panchayat Union,
Ramanathapuram District.

+1 CC to SPL.GP (SR-972[F] dated 09/01/2020)

+1 CC to MR.J.LAWRENCE, Advocate (SR-503[F] dated 07/01/2020)

+1 CC to MR.RAJA.KARTHIKEYAN, Advocate (SR-933[F] dated
08/01/2020)

W.P (MD) No.229 of 2020
and
W.M.P (MD) No.141 of 2020
07.01.2020

KM/(21.01.2020) 3P 7C