



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.261 of 2020

and

W.M.P. (MD) Nos.178 & 179 of 2020

Kavery

... Petitioner

-vs-

1.The Tamilnadu State Election Commissioner

The Tamilnadu State Election Commission

208/2, Jawaharlal Nehru Road

Opposite to CMBT, Arumbakkam

Chennai-600 106

2.The District Election Officer /

The District Collector

Election for the post of Village Panchayat President

Collectorate, Karur District, Karur

3.The Assistant Election Officer /

The Deputy Block Development Officer

Panchayat Union Office, Kulithalai

Karur District

4.Sumathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the second respondent declaring the fourth respondent as the successful candidate in the election held for the post of Village Panchayat President of Vaigainallur Village Panchayat of Kulithalai Panchayat Union, Karur District and quash the same and direct the respondent Nos.1 to 3 to recount the votes polled in the election for the post of Village Panchayat President of Vaigainallur Village Panchayat of Kulithalai Panchayat Union, Karur District, held on 30.12.2019.

For Petitioner : Mr.T.M.Madasamy

For Respondents : 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.DURAISWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records of the second respondent declaring the fourth respondent as the successful candidate in the election held for the post of Village Panchayat President of Vaigainallur Village Panchayat of Kulithalai Panchayat Union, Karur District, to quash the same and to direct the respondents 1 to 3 to recount the votes polled in the election for the post of Village Panchayat President of Vaigainallur Village Panchayat of Kulithalai Panchayat Union, Karur District, held on 30.12.2019.

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 petitions are closed.

Sd/-

Assistant Registrar

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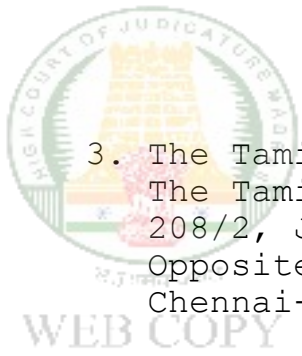
Sub Assistant Registrar(CS)

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To:

1.The District Election Officer /
The District Collector,
Election for the post of Village Panchayat President,
Collectorate, Karur District, Karur.

2.The Assistant Election Officer /
The Deputy Block Development Officer,
Panchayat Union Office, Kulithalai,
Karur District.



3. The Tamilnadu State Election Commissioner
The Tamilnadu State Election Commission
208/2, Jawaharlal Nehru Road
Opposite to CMBT, Arumbakkam
Chennai-600 106

+1 CC to Mr.T.M.MADASAMY, Advocate (SR-1028[F] dated 09/01/2020)
+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-937[F] dated
08/01/2020)
+1 CC to SPL.GP (SR-1050[F] dated 09/01/2020)

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MK (22.01.2020) 3P 7C