



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.258 of 2020

and

W.M.P. (MD) Nos.176 & 177 of 2020

C.Jesintha Mary

... Petitioner

-vs-

1.The State Election Commissioner Office
of the State Election Commissioner,
Inner Ring Road
Jai Nagar
Koyambedu
Chennai-600 106

2.The District Election Officer / District Collector
Kanyakumari District
Kanyakumari

3.The Returning Officer
Thuckalay Panchayat Union Office
Kanyakumari District

4.The Assistant Election Officer /
Block Development Officer
Thuckalay Panchayat Union Office
Kanyakumari District

5.Manonmani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to conduct re-counting of the ballot boxes of Union Ward No.3 of Thuckalay Panchayat Union, Kanyakumari District and consequently announce the election results for the post of Union Ward Member / Councilor of 3rd Ward in Thuckalay Panchayat Union, Kanyakumari District, in a fair and democratic manner, in the facts and circumstances of the case.



For Petitioner : Mr.F.Deepak

For Respondents : Mr.Raja Karthikeyan for R1
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R2 to R4

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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 to conduct re-counting of the ballot boxes of Union Ward No.3 of Thuckalay Panchayat Union, Kanyakumari District and consequently, to announce the election results for the post of Union Ward Member / Councilor of Ward No.3 in Thuckalay Panchayat Union, Kanyakumari District, in a fair and democratic manner, in the facts and circumstances of the case.

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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Election Officer / District Collector,
Kanyakumari District, Kanyakumari.



2.The Returning Officer,
Thuckalay Panchayat Union Office,
Kanyakumari District.

3.The Assistant Election Officer /
Block Development Officer,
Thuckalay Panchayat Union Office,
Kanyakumari District.

+1 CC to M/s.RAJA,KARTHIKEYAN, Advocate (SR-1074[F] dated
09/01/2020)

+1 CC to M/s.SPL.GP (SR-1052[F] dated 09/01/2020)

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