



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.242 of 2020

and

W.M.P(MD)No.155 of 2020

P.Sivakumar

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.

2.The District Election Officer cum
District Collector,
Collectorate Building,
Dindigul District.

3.The Superintendent of Police,
Officer of the Superintendent of Police,
Dindigul District.

4.The Returning Officer cum Block Development Officer,
Vadugampadi Panchayat Office,
Gujiliyamparai Taluk,
Dindigul District.

5.S.Sekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to recount the votes for the post of Panchayat President of Vadugampadi, Gujiliyamparai Taluk, Dindigul District based on the petitioner's representation dated 02.01.2020.

For Petitioner : Ms.A.Rajini

For R - 1 : Mr.AR.L.Sundaresan,
Senior Counsel.
Assisted by
Mr.Raja Karthikeyan,
Standing Counsel



For RR 2 to 4 : Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

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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 4 to recount the votes for the post of Panchayat President of Vadugampadi, Gujiliyamparai Taluk, Dindigul District based on the representation dated 02.01.2020.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petition are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India.

3.Since the petitioner has got alternate remedy by way of an Election Petition, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
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Gujiliyamparai Taluk,
Dindigul District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1563[F] dated
10/01/2020)

+1 CC to M/s.SPL.GP (SR-1615[F] dated 13/01/2020)

W.P (MD) No.242 of 2020
09.01.2020

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