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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.233 of 2020

and

W.M.P(MD)Nos.144 and 145 of 2020

M.Sathasivam

... Petitioner

Vs.

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

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

3.The Returning Officer,  
Municipal Panchayat Union Office,  
Kanyakumari District.

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

5.S.Premkumar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to conduct re-counting of the ballot boxes of Ward No.21 of Munchirai Panchayat Union, Kanyakumari District and consequently announce the election results for the post of Ward Member/Councilor of 21<sup>st</sup> Ward in Munchirai Panchayat Union, Kanyakumari District in a fair and democratic manner.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.Raja Karthikeyan for R.1  
Mr.K.Chellapandian

Additional Advocate General

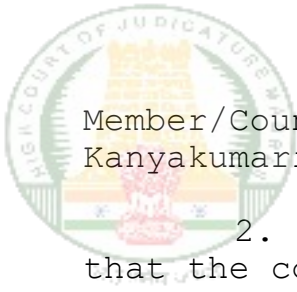
assisted by Mr.V.R.Shanmuganathan

Special Government Pleader for R.2 to R.4

**ORDER**

[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 to conduct re-counting of the ballot boxes of Ward No.21, Munichirai Panchayat Union, Kanyakumari District and consequently announce the election results for the post of Ward



Member/Councilor of 21<sup>st</sup> Ward , Munchirai Panchayat Union, Kanyakumari District in a fair and democratic manner.

2. The petitioner has filed the above writ petition alleging that the counting of the votes was not conducted in a proper manner.

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3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 2 to 4 submitted that the remedy open to the petitioner is only to file an election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994.

4. Since the petitioner has got an alternative remedy by way of election petition, the writ petition filed by the petitioner to issue a writ of mandamus to conduct recounting cannot be entertained.

5. In such view of the matter, the Writ Petition is dismissed. It is open to the petitioner to file an election petition under Section 258 of the Act. There shall be no order as to costs. Consequently the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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of the State Election Commission,  
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Kanyakumari District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate ( SR-634[F] dated 07/01/2020

+1 CC to M/s.SPL.GP ( SR-727[F] dated 08/01/2020 )

**W.P(MD)No.233 of 2020 and**

**W.M.P(MD)Nos.144 and 145 of 2020**

**06.01.2020**

**SMA/21/01/2020/2P/7C**

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