



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.245 of 2020

and

W.M.P(MD)Nos.160, 161, 163 & 164 of 2020

C.Vijaya Lakshmi

... Petitioner

Vs.

1.The State Election Commissioner,
No.208/2, Jawaharlal Nehru,
Arumbakkam, Chennai - 6.

2.The District Electoral Officer /
The District Collector,
Madurai District.

3.The Returning Officer /
Block Development Officer,
Chellampatti Panchayath Union,
Madurai District.

4.Dhanapackiyam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of declaration, to declare the fourth respondent as elected as Councilor of Ward No.1, Chellampatti Union, Madurai District as null and void as such against the Tamil Nadu Panchayats (Election) Rules, 1995, consequently, direct the respondents 2 and 3 to declare the petitioner / C.Vijaya Lakshmi, W/o.Chokkalingam elected as Councilor of Ward No.1, Chellampatti Union, Madurai District.

For Petitioner

: Mr.M.Jegadeesh Pandian
for Mr.K.Anbarasan

For R - 1

: Mr.AR.L.Sundaresan,
Senior Counsel.

Assisted by Mr.Raja Karthikeyan,
Standing Counsel

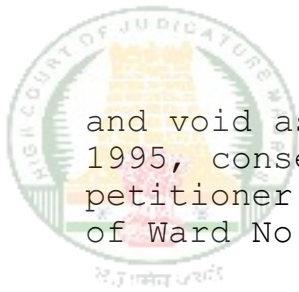
For RR 2 & 3

: Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.VR.Shanmuganathan,
Special Government Pleader.

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 declaration, to declare the fourth respondent as elected Councilor of Ward No.1, Chellampatti Union, Madurai District as null



and void as such against the Tamil Nadu Panchayats (Election) Rules, 1995, consequently, to direct the respondents 2 and 3 to declare the petitioner / C.Vijaya Lakshmi, W/o.Chokkalingam elected as Councilor of Ward No.1, Chellampatti Union, Madurai District.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to her 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. Further, the petitioner has got alternate remedy by way of an Election Petition.

3.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The State Election Commissioner,
No.208/2, Jawaharlal Nehru,
Arumbakkam, Chennai - 6.

2.The District Electoral Officer /
The District Collector,
Madurai District.

3.The Returning Officer /
Block Development Officer,
Chellampatti Panchayath Union,
Madurai District.

+1 CC to M/s.SPL.GP (SR-1313[F] dated 10/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1564[F]

W.P (MD) No.245 of 2020

09.01.2020

SMA/24/01/2020/2P/6C