



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.236 of 2020

and

W.M.P. (MD) Nos.148 & 149 of 2020

S.Sethuraman

... Petitioner

-vs-

1.The Tamil Nadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu
Chennai-600 106

2.The District Collector
Office of the District Collector
Virudhunagar District

3.The Election Officer /
Block Development Officer
Virudhunagar District

4.Kajamaidheen Panthe Navab
Election Officer /
Block Development Officer
Virudhunagar District

5.Nalla Mohammed

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring the Form 25 in favour of the fifth respondent dated 02.01.2020 issued on 03.01.2020 as null and void and consequently direct the respondent to re-do the counting by taking into account the postal ballot papers.

For Petitioner : Mr.M.Vallinayagam, Senior Counsel
assisted by Mr.J.Anandkumar



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For Respondents : Mr.AR.L.Sundaresan, Senior Counsel
assisted by 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.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of declaration to declare the Form-25, dated 02.01.2020, issued in favour of the fifth respondent on 03.01.2020, as null and void and consequently, to direct the respondents to re-do the counting by taking into account the postal ballot papers.

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 (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

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

2.The District Collector,
Office of the District Collector,
Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Election Officer /
Block Development Officer,
Virudhunagar District.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-1248[F] dated 09/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1568[F] dated
10/01/2020)

+1 CC to M/s.SPL.GP (SR-1616[F] dated 13/01/2020)

W.P. (MD) No.236 of 2020

and

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09.01.2020

JMN(24.01.2020) 3P : 7C