



WEB COPY

W.P(MD)No.240 of 2020

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.240 of 2020

and

W.M.P(MD)No.153 of 2020

A.Vadivel

... Petitioner

Vs.

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

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

3.The Returning Officer,
Thiruvarankulam Panchayat Union Office,
Pudukkottai District.

4.The Assistant Election Officer / Block Development Officer,
Thiruvarankulam Panchayat Union Office,
Pudukkottai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the fourth respondent to count the postal votes as well as recount the votes polled in the booth Nos.117, 118, 119, 120, 121, 122, 123, 124 and 125 which belong to the Panchayat of Vennavalkudi, Thiruvarankulam Panchayat Union, Pudukkottai District, in a fair and democratic manner in the facts and circumstances of the case.

For Petitioner	:	Mr.M.Linga Durai
For Respondents	:	Mr.Raja Karthikeyan for R.1

Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader
for R.2 and R.4



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 fourth respondent to count the postal votes as well as recount the votes polled in the booth Nos.117, 118, 119, 120, 121, 122, 123, 124 and 125 belonging to the Panchayat of Vennavalkudi, Thiruvarankulam Panchayat Union, Pudukkottai District, in a fair and democratic manner.

2. Since the petitioner has filed the writ petition without exhausting the alternative remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. It is open to the petitioner to seek for appropriate remedy by filing an election petition before the concerned District Court. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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



4.The Assistant Election Officer / Block Development Officer,
Thiruvavarankulam Panchayat Union Office,
Pudukkottai District.

+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-621[F] dated
07/01/2020)

+1 CC to SPL.GP (SR-683[F] dated 08/01/2020)

+1cc to Mr.M.Linga Durai, Advocate Sr.No.364

W.P (MD) No.240 of 2020

and

W.M.P (MD) No.153 of 2020

06.01.2020

VB(22.01.2020) 3P 8C