



WEB COPY

W.P(MD)No.249 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.249 of 2020

and

W.M.P(MD)No.166 of 2020

M.Jothi

... Petitioner

Vs.

1.The Election Officer/Commissioner,
Melur Union Office,
Melur Taluk,Madurai District.

2.The District Collector,
Madurai District,Madurai.

3.The Tahsildar,
Melur Taluk,
Madurai District.

... 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 recount the votes which were polled in Kurichipatty Panchayat in Melur Panchayat Union, Melur Taluk, Madurai District, in Booth Nos.169, 170, 171, 172, 173, 174 for the post of Panchayat President alone.

For Petitioner	:	Mr.J.Balameenakshi
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 & R.3

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 directing the respondents to recount the votes which were polled in Kurichipatty Panchayat in Melur Panchayat Union, Melur Taluk, Madurai District, in Booth Nos.169, 170, 171, 172, 173, 174 for the post of Panchayat President.

2. The petitioner has filed the above writ petition directly without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. The petitioner has filed the writ petition seeking for recounting of the votes. The issues involved in the writ petition are matter for evidence, the same cannot be decided in the writ petition.



3. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ssl

To

1.The Election Officer/Commissioner,
Melur Union Office,
Melur Taluk,Madurai District.

2.The District Collector,
Madurai District,Madurai.

3.The Tahsildar,
Melur Taluk, Madurai District.

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-641[F]
+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-929[F]
+1 CC to M/s.SPL.GP (SR-1054[F] dated 09/01/2020)

W.P(MD)No.249 of 2020

and

W.M.P(MD)No.166 of 2020

07.01.2020

sma/22/1/2020/2p/7c