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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.01.2020
CORAM:
THE HONOURABLE MR.JUSTICE M.DURAISWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN
W.P.(MD) No.256 of 2020
and
W.M.P.(MD) No.174 of 2020

P.Palanijothi ... Petitioner

-vs-

1.The District Election Officer /
The District Collector
Ramanathapuram District

2.The Block Development Officer
Block Development Office
Thiruppulanni
Ramanathapuram District

3.Udayakumar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 herein to order for recounting of votes for the election to the post of President of Village in Mallal Panchayat, Thiruppullani Panchayat Union, Ramanathapuram District, based on the petitioner's representation dated 04.01.2020.

For Petitioner : Mr.D.Anbarasu

For Respondents: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R1 & R2

O R D E R
[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 respondents 1 and 2 to recount the votes polled in the election to the post of Village Panchayat President of Mallal Panchayat, Thiruppullani Panchayat Union, Ramanathapuram District, based on her representation dated 04.01.2020.

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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 petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Election Officer /
The District Collector,
Ramanathapuram District.

2.The Block Development Officer,
Block Development Office,
Thiruppulanni,
Ramanathapuram District.

+1 CC to SPL.GP (SR-974[F] dated 09/01/2020)

+1 CC to MR.RAJA,KARTHIKEYAN, Advocate (SR-1071[F] dated 09/01/2020)

+1 CC to MR.D.ANBARASU, Advocate (SR-640[F] dated 08/01/2020)

W.P.(MD) No.256 of 2020
and
W.M.P.(MD) No.174 of 2020
07.01.2020

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