



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.257 of 2020

and

W.M.P. (MD) No.175 of 2020

V.Ramu

... Petitioner

-vs-

1.The State Chief Election Officer
State Election Commission
Government of Tamil Nadu
Jawaharlal Nehru Road
Jainagar, Koyembedu, Chennai

2.The District Election Officer /
District Collector
Sivagangai District

3.The Election Officer
Block Development Officer
Manamadurai Panchayat Union
Sivagangai District

4.Murugesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to recount the votes polled on 30.12.2019 for the post of Councilor of Ward No.12 of Manamadurai Panchayat Union, Sivagangai District and to declare the results by considering the petitioner's representation dated 04.01.2020.

For Petitioner : Mr.J.Lawrance

For Respondents : 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 mandamus directing the respondents 1 to 3 to recount the votes polled on 30.12.2019 for the post of Councilor of Ward No.12 of Manamadurai Panchayat Union, Sivagangai District and to declare the results, by considering his representation dated 04.01.2020.

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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

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

2.The Election Officer,
Block Development Officer,
Manamadurai Panchayat Union, Sivagangai District.

+1 CC to M/s.J.LAWRENCE, Advocate (SR-602[F] dated 07/01/2020)
+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-930[F] 08/01/2020)
+1 CC to M/s.Special Govt.Pleader (SR-1053[F] dated 09/01/2020)

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and

W.M.P. (MD) No.175 of 2020

07.01.2020

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