



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.248 of 2020

Chellammal

... Petitioner

Vs.

1.The State Election Commissioner,
State Election Commission Office,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambedu,
Chennai - 600 016.

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

3.The Assistant Election Officer / Block Development Officer,
Kannankudi Union Office,
Devakottai Taluk,
Sivagangai District.

4.Switha

... 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 polling votes in the Local Body Election conducted at K.Siruvanoor Panchayat, Kannankudi Union, Devakottai Taluk, Sivagangai District, based on the petitioner's representation dated 03.01.2020 within the stipulated time as fixed by this Court.

For Petitioner : Mr.A.Muralikumar
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.DURAISWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to recount the polling votes in the Local Body Election conducted at K.Siruvanoor Panchayat, Kannankudi Union, Devakottai Taluk, Sivagangai District, based on the representation dated 03.01.2020.

2. The petitioner has filed the writ petition directly without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. When the petitioner has got alternative remedy, the writ petition cannot be entertained. That apart, the issues involved in the writ petition are matter for evidence. Hence, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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Sivagangai District.



+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-936[F] dated 08/01/2020)

+1 CC to SPL.GP (SR-1055[F] dated 09/01/2020)

+1 CC to Mr.A.MURALIKUMAR, Advocate (SR-1232[F] dated 09/01/2020)

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MK (28.01.2020) 3P 7C