



W.P.(MD) No.255 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.255 of 2020

and

W.M.P. (MD) No.171 of 2020

Jeyakodi

... Petitioner

-vs-

1.The Chief Election Commissioner
Tamilnadu State Election Commission
208/2, Jawaharlal Nehru Road
Arumbakkam, Chennai-600 106

2.The District Collector
Ramanathapuram District
Ramanathapuram

3.The Assistant Election Commissioner &
Returning Officer
Ramanathapuram

4.Arasammal

... 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 in the election to the post of Village Panchayat President of Komboothi Village Panchayat, Ramanathapuram District, in a fair manner.

For Petitioner : Mr.R.Maheswaran

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.DURAISWAMY, 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 in the election to the post of Village Panchayat President of Komboothi Village Panchayat, Ramanathapuram District, in a fair manner.

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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Assistant Election Commissioner &
Returning Officer, Ramanathapuram.

+1 CC to M/s.Special Govt.Pleader (SR-973[F] dated 09/01/2020)
+1 CC to M/s.RAJA,KARTHIKEYAN, Advocate (SR-1069[F] 09/01/2020)
+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-1141[F] dated 09/01/2020)

W.P. (MD) No.255 of 2020

and

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krk

SDS(23.01.2020) 2P-6C