



WEB COPY

W.P(MD)No.252 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.252 of 2020

and

W.M.P(MD)No.168 of 2020

Sridevi

... Petitioner

Vs.

- 1.The Chief Election Commissioner,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai - 600 106.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Assistant Election Commissioner and
Returning Officer,
Kumbakonam,
Thanjavur District.

4.Kayathiri

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to recount the votes polled in the election to the post of Ward Member in respect of Ward No.21, Kumbakonam Panchayat Union, Thanjavur District, in a fair manner.

For Petitioner : Mr.R.Maheswaran
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

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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 1 to 3 to recount the votes polled in the election to the post of Ward Member in respect of Ward No.21, Kumbakonam Panchayat Union, Thanjavur District, in a fair manner.

2. The petitioner has filed the writ petition without exhausting alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994.

3. When the petitioner has got effective alternative remedy available to him, the writ petition cannot be entertained. In such view of the matter, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Assistant Election Commissioner and
Returning Officer,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-631[F] dated 07/01/2020

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-609[F] dated 07/01/2020)

+1 CC to M/s.SPL.GP (SR-685[F] dated 08/01/2020)

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