



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.268 of 2020

and

W.M.P. (MD) No.187 of 2020

Kumar

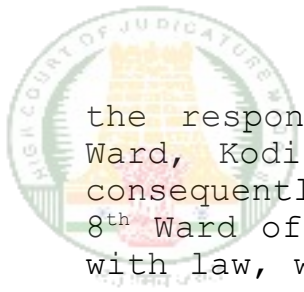
... Petitioner

-VS-

- 1.The Chief Electoral Officer
Public (Elections) Department
State of Tamilnadu
Fort St.George, Secretariat
Chennai-600 009
- 2.Tamilnadu State Election Commission
rep.by Tamilnadu State Election Commissioner
Arumbakkam, Chennai
- 3.The District Election Officer /
District Collector
Office of the District Collector
Madurai District
- 4.The Assistant Election Officer /
Block Development Officer
Madurai East
Tallakulam
Madurai
- 5.The Superintendent of Police
Office of the Superintendent of Police
Madurai District
- 6.The Inspector of Police
Othakadai Police Station
Madurai
- 7.Surya Begam @ Sathya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of declaration to declare the selection of



the respondent No.7 as Kodikulam Panchayat Ward Councilor in 8th Ward, Kodikulam Panchayat, Y.Othakadai, Madurai is null and void, consequently declare the petitioner as Panchayat Ward Councilor in 8th Ward of Kodikulam Panchayat, Y.Othakadai, Madurai, in accordance with law, within the time stipulated by this Court.

WEB COPY

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.Raja Karthikeyan for R2
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R1, R3 to R6

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 declaration to declare the selection of the seventh respondent as Kodikulam Panchayat Ward Councilor in 8th Ward, Kodikulam Panchayat, Y.Othakadai, Madurai, as null and void and consequently, to declare him as Panchayat Ward Councilor in 8th Ward of Kodikulam Panchayat, Y.Othakadai, Madurai, in accordance with law, within the time stipulated by this Court.

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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1.The Chief Electoral Officer,
Public (Elections) Department,
State of Tamilnadu,
Fort St.George, Secretariat,
Chennai-600 009.

2.The District Election Officer /
District Collector,
Office of the District Collector,
Madurai District.

3.The Assistant Election Officer /
Block Development Officer,
Madurai East,
Tallakulam, Madurai.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

5.The Inspector of Police,
Othakadai Police Station,
Madurai.

+1 CC to M/s.Special Govt.Pleader (SR-976[F] dated 09/01/2020)
+1 CC to M/s.RAJA,KARTHIKEYAN, Advocate (SR-1073[F] 09/01/2020)
+1 CC to M/s.R.ALAGUMANI, Advocate (SR-601[F] dated 07/01/2020)

W.P. (MD) No.268 of 2020

and

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krk

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