



WEB COPY

W.P.(MD) No.264 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.264 of 2020

and

W.M.P. (MD) No.181 of 2020

M.Chinnathai

... Petitioner

-vs-

1.The Tamil Nadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu, Chennai-600 106

2.The District Collector
Office of the District Collector
Theni District
Theni

3.The Election Officer
Block Development Officer
Periyakulam Panchayat Union
Theni District

4.Geetha

... 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 accept the petitioner's candidature for the post of President in the G.Kallupatti Village, Periyakulam Panchayat Union, Theni District by re-counting the votes of the G.Kallupatti Village, Periyakulam Panchayat Union, Theni District, based on the representation of the petitioner on 03.01.2020.

For Petitioner : Mr.H.Velavadhas

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 accept her candidature for the post of President in G.Kallupatti Village, Periyakulam Panchayat Union, Theni District by re-counting the votes of G.Kallupatti Village, Periyakulam Panchayat Union, Theni



District, based on her representation dated on 03.01.2020.

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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

krk

To:

1.The District Collector,
Office of the District Collector,
Theni District,Theni.

2.The Election Officer,
Block Development Officer,
Periyakulam Panchayat Union,
Theni District.

3. The Tamil Nadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu, Chennai-600 106

+1 CC to M/s.SPL.GP (SR-975[F] dated 09/01/2020)

+1 CC to M/s.H.VELAVASHAS, Advocate (SR-707[F] dated 08/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-935[F] dated 08/01/2020)

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07.01.2020

SMA/21/01/2020/2P/7C