



WEB COPY

WP(MD) No.349 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

and

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.349 of 2020

and

W.M.P. (MD) No.269 of 2020

Vellaiyammal

... Petitioner

-vs-

1.The State Election Commissioner
O/o.The State Election Commission
Inner Ring Road
Jai Nagar
Koyambedu
Chennai 106

2.The District Election Officer /
District Collector
Pudukkottai District
Pudukkottai

3.The Assistant Election Officer /
Block Development Officer
Annavaasal Panchayat Union Office
Pudukkottai District

4.Sumathi

... 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 for the election held on 27.12.2019 in the constituency of Kothirapatti Panchayat, Annavaasal Union Office, Pudukkottai District, for the post of Panchayat Board President.

For Petitioner : Mr.R.Sivalingam

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 recount the

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votes for the election held on 27.12.2019 in the constituency of Kothirapatti Panchayat, Annavasal Union Office, Pudukkottai District, for the post of Panchayat Board President.

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)

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To:

1.The District Election Officer /
District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Election Officer /
Block Development Officer,
Annavasal Panchayat Union Office,
Pudukkottai District.

+1 CC to MR.R.SIVALINGAM, Advocate (SR-1031[F] dated 09/01/2020)

+1 CC to SPL.GP (SR-1217[F] dated 09/01/2020)

W.P. (MD) No.349 of 2020

and

W.M.P. (MD) No.269 of 2020

08.01.2020

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