



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.278 of 2020

and

W.M.P(MD)No.196 of 2020

A.Boopathy

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Koyembedu,
Chennai - 600 106.

2.The District Collector,
Office of the District Collector,
Trichy District,
Trichirappalli.

3.The Election Officer / Block Development Officer,
Lalgudi Union,
Trichy District.

4.P.Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the result of the election of the returned candidate, the fourth respondent herein as Ward Member of the 6th Ward of Maruthur Village Panchayat, Lalgudi Union, Trichirappalli District as null and void and unconstitutional and against the Tamil Nadu Panchayat Act and Tamil Nadu Panchayat Election Rules and consequently direct the respondents 1 to 3 to conduct the re-election for the post of Ward Member of Maruthur Village Panchayat, Lalgudi Union, Tirchirappalli District.

For Petitioner : Mr.Y.Krishnan

For R - 1 : Mr.Raja Karthikeyan



For RR 2 & 3

: Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

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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 Declaration, to declare the result of the election of the returned candidate, the fourth respondent herein as Ward Member of the 6th Ward of Maruthur Village Panchayat, Lalgudi Union, Trichirappalli District as null and void and unconstitutional and against the Tamil Nadu Panchayat Act and Tamil Nadu Panchayat Election Rules and consequently direct the respondents 1 to 3 to conduct the re-election for the post of Ward Member of Maruthur Village Panchayat, Lalgudi Union, Tirchirappalli District.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petition are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India.

3.Since the petitioner has got alternate remedy by way of an Election Petition, we are not inclined to entertain the Writ Petition. 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)

ps

To

1.The District Collector,
Office of the District Collector,
Trichy District, Trichirappalli.



2.The Election Officer / Block Development Officer,
Lalgudi Union,
Trichy District.

+1CC TO MR.Y.KRISHNAN, Advocate Sr. No.1282

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 969

W.P (MD) No.278 of 2020
08.01.2020

PK (CO)
TR (24.01.2020) 3P 5C