



WEB COPY

W.P. (MD) No.375 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.375 of 2020

and

W.M.P. (MD) No.287 of 2020

Velammal

... Petitioner

-vs-

1.The Secretary

State Election Commission of Tamilnadu Government
Koyambedu, Chennai

2.The District Election Officer / District Collector
Thanjavur

3.The Returning Officer

O/o.Boothalur Panchayat Union
Boothalur Post and Taluk
Thanjavur District

4.Latha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus thereby declare that the petitioner as elected for Ward No.16 of Boothalur Panchayat Union, Thanjavur District.

For Petitioner : Mr.P.Ganapathi Subramanian

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 declaring that the petitioner has been elected for Ward No.16 of Boothalur Panchayat Union, Thanjavur District.



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(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Secretary,
State Election Commission of Tamilnadu Government,
Koyambedu, Chennai

2.The District Election Officer / District Collector
Thanjavur

3.The Returning Officer
O/o.Boothalur Panchayat Union
Boothalur Post and Taluk
Thanjavur District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-923[F])

+1 CC to M/s.SPL.GP (SR-1205[F])

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AVS(CO)

TR(22.01.2020)2P 6C