



WEB COPY

W.P. (MD) No.332 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.332 of 2020

and

W.M.P. (MD) Nos.248 & 249 of 2020

T.Latha

... Petitioner

-VS-

1.The Tamilnadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu
Chennai-600 106

2.The District Collector
District Collectorate
Theni District
Theni-625 531

3.The Election Officer /
Block Development Officer
Bodinayakkanur Panchayat Union
Bodinayakkanur
Theni-DT, PIN-627 803

4.B.Santha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring that the Form-25 Certificate dated 02.01.2020 issued by the 3rd respondent declaring the 4th respondent as elected as Village Panchayat President of Kodangipatti Village Panchayat, Bodinayakkanur Panchayat Union, Theni District, in the election conducted on 30.12.2019 is null and void and unconstitutional and against the Tamilnadu Panchayat Act and Tamilnadu Panchayat Election Rules and consequently directing the 1st 2nd and 3rd respondent to recount the votes for the post of Village Panchayat President of Kodangipatti Village Panchayat, Bodinayakkanur Panchayat Union, Theni District and the same to be videographed.



For Petitioner : Mr.C.Masilamani

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

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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 Form-25 Certificate, dated 02.01.2020, issued by the third respondent declaring the fourth respondent as the elected Village Panchayat President of Kodangipatti Village Panchayat, Bodinayakannur Panchayat Union, Theni District, in the election conducted on 30.12.2019 as null and void and unconstitutional and consequently, to direct the respondents 1 to 3 to recount the votes for the said post.

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 disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

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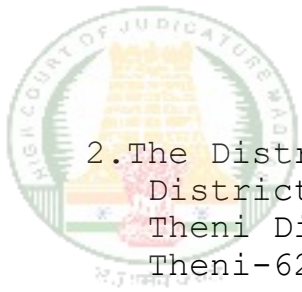
Sub Assistant Registrar(CS)

krk

To:

1.The Tamilnadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu
Chennai-600 106

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector
District Collectorate
Theni District
Theni-625 531

3.The Election Officer /
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Bodinayakkanur
Theni-DT, PIN-627 803

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate(SR-928[F] dated 08/01/2020)

+1 CC to M/s.C.MASILAMANI, Advocate (SR-1112[F] dated 09/01/2020)

+1 CC to M/s.SPL.GP (SR-1214[F] dated 09/01/2020)

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and

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MR (CO)

TR(22.01.2020) 3P 7C