



WEB COPY

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.326 of 2020

and

W.M.P(MD)No.240 of 2020

Manicka Selvakumar

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambadu,
Chennai.

2.The District Election Officer cum District Collector,
Kanyakumari,
Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari,
Kanyakumari District.

4.The Block Development Officer,
Agadeeswaram Union,
Kanyakumari District.

5.U.Sudalaiyandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to re-count for the post of Panchayat President in Kulasekarapuram Village, Kanyakumari District based on the petitioner's representation dated 02.01.2020 within a time frame fixed by this Court.

For Petitioner

: Mr.C.Suresh Kannan

For R - 1

: Mr.Raja Karthikeyan

For RR 2 to 4

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



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

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The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 4 to re-count for the post of Panchayat President in Kulasekarapuram Village, Kanyakumari District based on the representation dated 02.01.2020.

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 (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1.The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambadu,
Chennai.

2.The District Election Officer cum District Collector,
Kanyakumari,
Kanyakumari District.

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



3.The Superintendent of Police,
Kanyakumari,
Kanyakumari District.

4.The Block Development Officer,
Agadeeswaram Union,
Kanyakumari District.

+1 CC to SPL.GP (SR-1208[F] dated 09/01/2020)

W.P (MD) No.326 of 2020
08.01.2020

KM/(24.01.2020) 3P 6C