



WEB COPY

W.P.(MD) No.350 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.350 of 2020

and

W.M.P. (MD) No.270 of 2020

K.Thangaraj

... Petitioner

-vs-

1.The Tamil Nadu State Election Commissioner

Jawaharlal Nehru Road

Arumpakkam, Chennai-600 106

2.The District Election Officer /

The District Collector

Madurai District, Madurai-625 020

3.The Election Officer /

Block Development Officer

T.Kallupatti Panchayat Union

Kallupatti, Madurai District

4.B.Palpandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring the entire process of counting of votes in the election conducted and the Form 25 certificate dated 02.01.2020 issued by the 3rd respondent declaring the 4th respondent is elected as the President of Nallamaram Village Panchayat, T.Kallupatti Panchayat Union, Madurai District is null and void and unconstitutional and against the Tamil Nadu Panchayat Act and Tamil Nadu Panchayat Election Rules and directing the respondents 1 to 3 to conduct fresh recounting of votes poll in the election to the post of President of Nallamaram Village Panchayat, T.Kallupatti Panchayat Union, Madurai District.

For Petitioner : Mr.K.K.Kannan

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 declaration to declare the entire process of counting of votes in the election conducted and the Form-25 certificate, dated

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



02.01.2020, issued by the third respondent declaring the fourth respondent as the President of Nallamaram Village Panchayat, T.Kallupatti Panchayat Union, Madurai District, as null and void and unconstitutional and to direct the respondents 1 to 3 to conduct fresh recounting of votes polled in the election for the said post.

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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 (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Tamil Nadu State Election Commissioner
Jawaharlal Nehru Road
Arumpakkam, Chennai-600 106

2.The District Election Officer /
The District Collector,
Madurai District, Madurai-625 020.

3.The Election Officer /
Block Development Officer,
T.Kallupatti Panchayat Union,
Kallupatti, Madurai District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-1016[F] dated 09/01/2020)

+1 CC to M/s.SPL.GP (SR-1221[F] dated 09/01/2020)

W.P.(MD) No.350 of 2020 and

W.M.P.(MD) No.270 of 2020

SMA/22/1/2020/2P/6C

08.01.2020