



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.356 of 2020

and

W.M.P. (MD) No.276 of 2020

Shanmugavelu

... Petitioner

-VS-

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

2.The District Election Officer /
The District Collector
Virudhunagar District
Virudhunagar

3.The Election Officer /
Block Development Officer
Sattur Panchayat Union, Sattur
Virudhunagar District

4.Muthumariammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, 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 02.01.2020 issued by the 3rd respondent declaring the 4th respondent is elected as the President K.Mettupati Village Panchayat, Sattur Panchayat Union, Virudhunagar 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 election to the post of President K.Mettupati Village Panchayat, Sattur Panchayat Union, Virudhunagar 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

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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 entire process of counting of votes in the election conducted and the Form-25 Certificate, dated 02.01.2020 issued by the third respondent declaring the fourth respondent as the President of K.Mettupati Village Panchayat, Sattur Panchayat Union, Virudhunagar District, as null and void and to direct the respondents 1 to 3 to conduct fresh election 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 dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

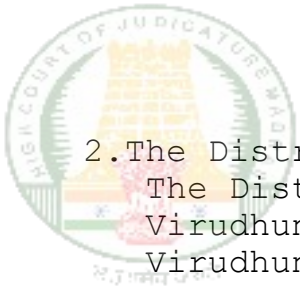
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Sub Assistant Registrar(CS)

To:

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



2.The District Election Officer /
The District Collector
Virudhunagar District
Virudhunagar

3.The Election Officer /
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Sattur Panchayat Union, Sattur
Virudhunagar District

+1 CC to M/s.K.K.KANNAN, Advocate (SR-1019[F] dated 09/01/2020)
+1 CC to M/s.Special Govt.Pleader (SR-1202[F] dated 09/01/2020)

W.P. (MD) No.356 of 2020

and

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08.01.2020

krk

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