



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.373 of 2020

and

W.M.P. (MD) Nos.285 & 286 of 2020

Kalaiselvan

... Petitioner

-vs-

1.The State of Tamil Nadu
Rep.by the Election Commissioner
Jawaharlal Nehru Road
Jai Nagar, Koyambedu
Chennai-600 106

2.The District Election Officer cum
District Collector
Pudukottai District
Pudukottai

3.The Block Development Officer cum
Returning Officer
Arimalam Panchayat Union
Thirumayam Taluk
Pudukottai District

4.S.Thilagar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to recount the votes for the post of Union Counselor of Arimalam Union IInd Ward, Pudukottai District, based on the representation dated 06.01.2020 of the petitioner.

For Petitioner : Mr.P.Balasubramanian



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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.DURAISWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to recount the votes polled for the post of Union Counselor of Arimalam Union Ward-II, Pudukottai District, based on his representation dated 06.01.2020.

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 petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Election Commissioner
Jawaharlal Nehru Road
Jai Nagar, Koyambedu
Chennai-600 106

2.The District Election Officer cum
District Collector
Pudukottai District
Pudukottai



3.The Block Development Officer cum
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Pudukottai District

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-924[F] dated 08/01/2020

+1 CC to M/s.SPL.GP (SR-1213[F] dated 09/01/2020)

W.P. (MD) No.373 of 2020

and

W.M.P. (MD) Nos.285 & 286 of 2020

08.01.2020

JMN (22.01.2020) 3P : 6C