



WEB COPY

W.P (MD) No. 346 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

AND

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

W.P (MD) No. 346 of 2020

and

W.M.P (MD) No. 266 of 2020

V. Jeyalakshmi

... Petitioner

Vs.

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

2. The District Collector,
Madurai District, Madurai.

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

4. S. Panchavarnam

5. Soundarrajan,
The Election Officer/ Block Development Officer,
T. Kallupatti Union, Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to declare the election for the Panchayat President of Vaiyur Panchayat, T. Kallupatti Union, Madurai District as null and void and consequently direct the respondents to declare the result after conducting the re-counting of votes in a fair and transparent manner.

For Petitioner : Mr. S. Shanmugavel for
Mr. G. Prabhu Rajadurai

For Respondents : Mr. Raja Karthikeyan for R.1
Mr. K. Chellapandian
Additional Advocate General
assisted by
Mr. VR. Shanmuganathan
Special Government Pleader for R.2 & R.3



ORDER

[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 1 to 3 to declare the election for the Panchayat President of Vaiyur Panchayat, T.Kallupatti Union, Madurai District as null and void and consequently direct the respondents to declare the result after conducting the re-counting of votes in a fair and transparent manner.

2. The petitioner has filed the above writ petition directly without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. The petitioner has filed the writ petition seeking for recounting of the votes. The issues involved in the writ petition are matter for evidence and the same cannot be decided in the writ petition.

3. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ssl

To

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

2.The District Collector,
Madurai District,
Madurai.

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



+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-1077[F] dated 09/01/2020)

+1 CC to M/s.SPL.GP (SR-1210[F] dated 09/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1570[F] dated 10/01/2020)

W.P (MD) No.346 of 2020

and

W.M.P (MD) No.266 of 2020

08.01.2020

avs (CO)

TR (22.01.2020) 3P 7C