



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.390 of 2020

and

W.M.P. (MD) Nos.304,305, 306 & 307 of 2020

P.Saroja

... Petitioner

-vs-

1.The State Election Commissioner
No.208/2, Jawaharlal Nehru Salai
Arumbakkam
Chennai-600 106

2.The District Electoral Officer /
The District Collector
Madurai District

3.The Returning Officer /
Assistant Director (Panchayat)
Kottampatti Union
Madurai District

4.Valarmathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring the 4th respondent as elected as Councilor of Ward No.11, Kottampatti Union, Pattur Panchayat, Madurai District, as null and void, as such against the Tamil Nadu Panchayats (Election) Rules, 1995, consequently direct the 2nd and 3rd respondents to declare the petitioner / P.Saroja, w/o.Pugalendhi elected as Councilor of Ward No.11 Kottampatti Union, Pattur Panchayat, Madurai District.

For Petitioner : Mr.K.Anbarasan

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 declaration to declare the selection of the fourth respondent as Councilor of Ward No.11, Kottampatti Union, Pattur Panchayat, Madurai District, as null and void and consequently, to direct the respondents 2 and 3 to declare that she is elected as Councilor of Ward No.11 Kottampatti Union, Pattur Panchayat, Madurai District.

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 disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

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JMN (22.01.2020) 2P : 4C