



WEB COPY

W.P.(MD) No.504 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

and

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.504 of 2020

and

W.M.P. (MD) No.380 of 2020

Lathakumari

... Petitioner

-vs-

1.The Chief Electoral Officer
Public (Elections) Department
State of Tamilnadu
Fort St George, Secretariat
Chennai-600 009

2.Tamilnadu State Election Commission
rep.by Tamilnadu State Election Commissioner
Arumbakkam, Chennai

3.The District Election Officer / District Collector
Office of the District Collector
Ramanathapuram District

4.The Assistant Election Officer /
Block Development Officer
R.S.Mangalam Taluk
Ramanathapuram District

5.Kamalakanni

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration to declare the selection of the respondent No.5 as Union Councilor in 7th Ward, R.S.Mangalam, Ramanathapuram District, is null and void, consequently declare the thumb impression votes as valid votes in Booth No.137 of Morpannai and recount the polled votes for the post of Ward Councilor in 7th Ward of R.S.Mangalam, Ramanathapuram District, in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.AR.L.Sundaresan, Senior Counsel

assisted by Mr.Raja Karthikeyan for R1
Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.V.R.Shanmuganathan

Special Government Pleader for R2 to R4



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 fifth respondent as Union Councilor in 7th Ward, R.S.Mangalam, Ramanathapuram District, as null and void, consequently, to declare the thumb impression votes as valid votes in Booth No.137 of Morpannai and to recount the polled votes for the post of Ward Councilor in 7th Ward of R.S.Mangalam, Ramanathapuram District, in accordance with law.

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 (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.Tamilnadu State Election Commissioner,
Tamilnadu State Election Commission,
Arumbakkam, Chennai.
 - 2.The District Election Officer / District Collector,
Office of the District Collector,
Ramanathapuram District.
 - 3.The Assistant Election Officer /
Block Development Officer,R.S.Mangalam Taluk,
Ramanathapuram District.
- +1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1573[F]
+1 CC to M/s.SPL.GP (SR-1614[F] dated 13/01/2020)
+1 CC to M/s.R.ALAGUMANI, Advocate (SR-1821[F] dated 13/01/2020)

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SMA/24/01/2020/2P/7C