



WEB COPY

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.386 of 2020

and

W.M.P (MD) No.298 of 2020

M.Lakshmi

... Petitioner

Vs.

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

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Returning Officer/
Block Development Officer,
Nainarkovil Panchayat Union,
Ramanathapuram District.

4. Rajendran,
Returning Officer/
Block Development Officer,
Nainarkovil Panchayat Union,
Ramanathapuram District.

5.Saraswathi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare that the entire counting process for the post of President of Pagaivendri Village, Paramakudi Taluk, Ramanathapuram District conducted by the third respondent on 02.01.2020 is null and void and unconstitutional and violative of the Tamil Nadu Panchayat Act and Tamil Nadu Panchayat Election Rules.

For Petitioner

: Mr.R.Subramanian



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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 declaration to declare that the entire counting process for the post of President of Pagaivendri Village, Paramakudi Taluk, Ramanathapuram District conducted by the third respondent on 02.01.2020 is null and void and unconstitutional.

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 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(Crl Side)

// True Copy //

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Sub Assistant Registrar(CS)

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To

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



2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Returning Officer/
Block Development Officer,
Nainarkovil Panchayat Union,
Ramanathapuram District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-964[F] dated 09/01/2020)

+1 CC to M/s.SPL.GP (SR-1218[F] dated 09/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1566[F] dated
10/01/2020)

W.P (MD) No.386 of 2020

and

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08.01.2020

NS (CO)

TR (13.01.2020) 3P 7C