



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.795 of 2020

and

W.M.P(MD)No.572 of 2020

WEB COPY

- 1.Pounraj
- 2.Singaravelan
- 3.Senthil Vinayagam
- 4.Rajesh
- 5.Jacob

... Petitioners

Vs.

- 1.The Election Commissioner,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai - 600 106.
- 2.The District Collector,
Collectorate,
Thoothukudi - 628 101,
Thoothukudi District.
- 3.The Assistant Director,
Panchayat, Kokaraikulam,
Tirunelveli - 627 009,
Tirunelveli District.
- 4.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Thiruchendur, Thoothukudi District.
- 5.The Returning Officer / Block Development Officer,
Sattankulam Town Panchayat,
Sattankulam,
Thoothukudi District.

- 6.Balamenan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioners' representation dated 05.01.2020 and direct the first respondent to conduct the fresh election cancelling the election which was conducted on 27.12.2019 for the post of Village Panchayat President, Pudukulam, Sattankulam Panchayat Union, Thoothukudi District as the said election is vitiated by serious violations of conduct of Election Rules, 1961 and order dated 30.12.2019 passed by this Court in W.P(MD)No.27408 of 2019.



WEB COPY

For Petitioners
For R - 1
For RR 2 to 5

: Mr.V.Rajiv Rufus
: Mr.D.Shanmugaraja Sethupathi
: Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus, directing the first respondent to consider the petitioners' representation dated 05.01.2020 and direct the first respondent to conduct the fresh election cancelling the election which was conducted on 27.12.2019 for the post of Village Panchayat President, Pudukulam, Sattankulam Panchayat Union, Thoothukudi District as the said election is vitiated by serious violations of conduct of Election Rules, 1961 and order dated 30.12.2019 passed by this Court in W.P(MD)No.27408 of 2019.

2.The petitioners have filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to them under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petitions are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India.

3.Since the petitioners have got alternate remedy by way of Election Petitions, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

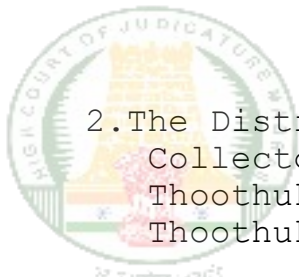
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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Election Commissioner,
Tamil Nadu State Election Commission,
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Arumbakkam,
Chennai - 600 106.



2.The District Collector,
Collectorate,
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5.The Returning Officer / Block Development Officer,
Sattankulam Town Panchayat,
Sattankulam,
Thoothukudi District.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-1783[F] dated 13/01/2020)
+1 CC to M/s.SPL.GP (SR-2150[F] dated 21/01/2020)
+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2039[F]

W.P (MD) No.795 of 2020
13.01.2020

SMA/28/01/2020/3P/9C