



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.510 of 2020

and

W.M.P(MD)No.381 of 2020

R.Murali Manohar

... Petitioner

Vs.

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

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Returning Officer/
Block Development Officer,
Thiruchendur Panchayat Union,
Thoothukudi District.

4.Santhosh,
The Returning Officer/
Block Development Officer,
Thiruchendur Panchayat Union,
Thoothukudi District.

5.Rajeswaran

... 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 Kayamozhi Village, Thiruchendur Panchayat Union, Thoothukudi District, conducted by the third respondent on 02.01.2020 is null and void and unconstitutional and violative of the Tamil Nadu Panchayats Act and Tamil Nadu Panchayat Election Rules.

For Petitioner	:	Mr.R.Subramanian
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 Kayamozhi Village, Thiruchendur Panchayat Union, Thoothukudi District, conducted by the third respondent on 02.01.2020 is null and void and unconstitutional and violative of the Tamil Nadu Panchayats Act and Tamil Nadu Panchayat Election Rules.

2. The petitioner has filed the writ petition without exhausting alternative remedy by way of an election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. When the petitioner has got alternative remedy, he should exhaust the same. Further the issue involved in the present writ petition is a matter for evidence and therefore, the proper Forum to grant relief to the petitioner is only the District under Section 258 of the Tamil Nadu Panchayats Act, 1994.

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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

- 1.The Tamil Nadu State Election Commissioner,
Jawaharlal Nehru Road,
Koyambedu, Chennai - 600 106.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.



3.The Returning Officer/
Block Development Officer,
Thiruchendur Panchayat Union,
Thoothukudi District.

+1 CC to MR.R.SUBRAMANIAN, Advocate (SR-2266[F] dated
22/01/2020)

+1 CC to SPL.GP (SR-2327[F] dated 22/01/2020)

W.P (MD) No.510 of 2020
and
W.M.P (MD) No.381 of 2020
21.01.2020

KM/ (30.01.2020) 3P 6C