



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.619 of 2020

and

W.M.P. (MD) No.455 of 2020

S.Divya

... Petitioner

-vs-

1.The Chief Election Commissioner
The State Election Commissioner
100, Feet Road
Vadapalani, Chennai

2.The District Collector /
District Election Officer
Karur, Karur District

3.The Returning Officer
The District Election Office
Karur, Karur District

4.The Presiding Officer /
Block Development Officer
Tharangampatti Panchayat Union
Kadavur Taluk
Karur District

5.Booma

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to order recounting the votes held in connection with the local body election 2019 for the post of Athanur Panchayat President, Kadavur Taluk, Karur District, by considering the petitioner's representation dated 02.01.2020, within the stipulated period to be framed by this Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar



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For Respondents : Mr.Raja Karthikeyan
Standing Counsel for R1
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R2 to 4

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to order for recounting the votes held in connection with the local body election 2019 for the post of Athanur Panchayat President, Kadavur Taluk, Karur District, by considering her representation dated 02.01.2020, within the time stipulated by this Court.

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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Chief Election Commissioner
The State Election Commissioner
100, Feet Road
Vadapalani, Chennai

2.The District Collector /
District Election Officer,
Karur, Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Returning Officer,
The District Election Office,
Karur, Karur District.

4.The Presiding Officer /
Block Development Officer,
Tharangampatti Panchayat Union,
Kadavur Taluk,
Karur District.

+1 CC to M/s.B.SANTHANAM RAJESH, Advocate (SR-1624[F] dated
13/01/2020)

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-2019[F] dated
20/01/2020)

+1 CC to M/s.SPL.GP (SR-1950[F] dated 20/01/2020)

W.P. (MD) No.619 of 2020

and

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10.01.2020

JMN(27.01.2020) 3P : 8C