



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM

WEB COPY

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

**W.P(MD)No.455 of 2020
and
W.M.P(MD)No.345 of 2020**

S.Katturaja

... Petitioner

Vs.

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

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

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

4.Anbu Kannan,
The Election Officer /
Block Development Officer,
Kadaladi Panchayat Union,
Ramanathapuram District.

5.Malarmathi

6.Sivan Boopathi,
The Assistant Returning Officer,
Deputy Block Development Officer,
Kadaladi Panchayat Union,
Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare the entire counting process for the post of President of Orivayal Village Panchayat, Kadaladi Panchayat Union, Ramanathapuram District, conducted by the third respondent on 02.01.2020 as null, void, unconstitutional and violative of the Tamil Nadu Panchayats



Act and Tamil Nadu Panchayat Election Rules.

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.AR.L.Sundaresan
Senior Counsel assisted by
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 the entire counting process for the post of President of Orivayal Village Panchayat, Kadaladi Panchayat Union, Ramanathapuram District, conducted by the third respondent on 02.01.2020 as null, void, unconstitutional and violative of the Tamil Nadu Panchayats Act and Tamil Nadu Panchayat Election Rules.

2. Since the petitioner has filed the writ petition without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994, the writ petition cannot be entertained. That apart, the issues involved in the present writ petition are matter for evidence and the same cannot be decided in this writ petition.

3. In such view of the matter, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is also dismissed.

Sd/-

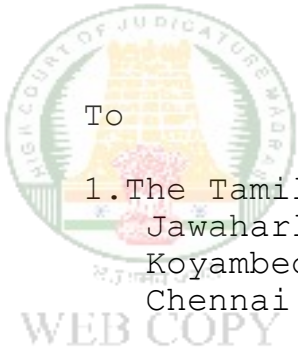
Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb



To

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

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

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

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-1288[F] dated 10/01/2020)

+1 CC to M/s.SPL.GP (SR-1306[F] dated 10/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1576[F] dated
10/01/2020)

W. P (MD) No. 455 of 2020

and

W. M. P (MD) No. 345 of 2020

09.01.2020

JMN(24.01.2020) 3P : 7C