



WEB COPY

W.P(MD)No.457 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.457 of 2020

Ramamoorthy

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
represented by its Secretary,
Chennai.

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

3.The Block Development Officer/
Returning Officer,
Virudhunagar Panchayat Union,
Virudhunagar.

4.Saravanan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to conduct lot as per the procedure mandated under Tamil Nadu Panchayats (Election) Rules, 1995 for the election of 8th Ward Member in Koorakundu Village Panchayat in Virudhunagar Panchayat Union, Virudhunagar District by considering the representation dated 03.01.2020 and 07.01.2020 within the period that may be stipulated by this Court.

For Petitioner

: Mr.R.Gandhi

For Respondents

: Mr.AR.L.Sundaresan

Senior Counsel for 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.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 3 to conduct lot as per the procedure mandated under Tamil Nadu Panchayats (Election) Rules, 1995 for the election of 8th Ward Member in Koorakundu Village Panchayat in Virudhunagar Panchayat Union, Virudhunagar District by



considering the representations dated 03.01.2020 and 07.01.2020.

2. Since the petitioner has filed the writ petition without exhausting the alternative remedy available to him 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb

To

1.The Secretary,
Tamil Nadu State Election Commission,
Chennai.

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

3.The Block Development Officer/
Returning Officer,
Virudhunagar Panchayat Union,
Virudhunagar.

+1 CC to M/s.SPL.GP (SR-1304[F] dated 10/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1577[F]

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09.01.2020

SMA/23/01/2020/2P/6C