



WEB COPY

W.P.(MD) No.625 of 2020

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.625 of 2020

and

W.M.P. (MD) No.459 of 2020

P.Mariammal

... Petitioner

-vs-

1.The State Election Commissioner
State Election Commissioner Office
Jawaharlal Nehru Road
Jail Nagar, Koyambedu
Chennai-600 106

2.The District Election Officer /
District Collector
Collectorate Complex
Virudhunagar
Virudhunagar District

3.The Election Officer /
Block Development Officer
Sattur Taluk
Virudhunagar District

4.Suriya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration to declare the result of the election of the returned candidate the 4th respondent herein as President of Nathathupatti Village Panchayat, Sattur Union, Virudhunagar District, as null and void and unconstitutional and against the Tamil Nadu Panchayat Act and Tamil Nadu Panchayat Election Rules and consequently direct the respondents 1 to 3 to recount the votes pertaining to the post of President of Nathathupatti Village Panchayat, Sattur Union, Virudhunagar District.

For Petitioner : Mr.K.Sivabalan

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 & R3



O R D E R

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

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The petitioner has filed the above writ petition to issue a writ of declaration to declare the result of the election of the returned candidate, the fourth respondent herein as President of Nathathupatti Village Panchayat, Sattur Union, Virudhunagar District, as null and void and unconstitutional and consequently, to direct the respondents 1 to 3 to recount the votes pertaining to the post of President of Nathathupatti Village Panchayat, Sattur Union, Virudhunagar District.

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-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The District Election Officer /
District Collector,
Collectorate Complex,
Virudhunagar, Virudhunagar District.
- 2.The Election Officer /
Block Development Officer,
Sattur Taluk, Virudhunagar District.

- +1 CC to M/s.K.SIVABALAN, Advocate (SR-1785[F] dated 13/01/2020)
+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-1858[F]
+1 CC to M/s.SPL.GP (SR-1949[F] dated 20/01/2020)

W.P.(MD) No.625 of 2020 and

W.M.P.(MD) No.459 of 2020

10.01.2020

SMA/28/1/2020/2P/6C

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