



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.654 of 2020
and
W.M.P. (MD) No.487 of 2020**

K.Jothi ... Petitioner
-vs-

- 1.The Chief Election Commissioner
Government of Tamilnadu
Chennai
- 2.The District Collector
Madurai District
- 3.The Returning Officer
(Block Development Officer)
Thiruparankundram Panchayat Union
Madurai-6

4.P.Ananthi ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 3rd respondent herein to conduct a recounting of Ballot papers, polled in the Thanakkan Kulam Panchayat, Thiruparankundram Panchayat Union, Madurai District, for the post of Village President of Thanakkankulam Village, Madurai District, based on the representation given by the petitioner on 02.01.2020.

For Petitioner : Mr.M.Gururaj

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.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the third respondent herein to conduct a recounting of Ballot papers, polled in Thanakkan Kulam Panchayat, Thiruparankundram Panchayat Union, Madurai District, for the post of Village President of Thanakkankulam Village, Madurai District, based on her representation dated 02.01.2020.

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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Madurai District.

2.The Returning Officer,
(Block Development Officer),
Thiruparankundram Panchayat Union,
Madurai-6.

+1 CC to SPL.GP (SR-1961[F] dated 20/01/2020)

+1 CC to Mr.M.GURURAJ, Advocate (SR-2047[F] dated 20/01/2020)

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10.01.2020