



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2020

CORAM:

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

**W.P. (MD) No.1384 of 2020
and
W.M.P. (MD) No.1121 of 2020**

G.Ganesan

... Petitioner

-vs-

1.The State Election Commissioner
Koyambedu
Chennai-600 107

2.The State Election Officer / Director
Rural Development and
Panchayat Raj Department
Saidapet, Chennai-600 015

3.The District Election Officer
District Election Office
Pudukottai

4.The Returning Officer
Village Panchayat President and
Member Election
Avudaiyarkovil and
Block Development Officer (B.PT)
Avudaiyarkovil, Pudukottai District

5.Mohammed Iqbal

6.A.Kalidas

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus declaring the election conducted on 30.12.2019 for the post of President of Ponnangalam Village Panchayat, Avudaiyarkoil Panchayat Union, Avudaiyurkoil Taluk, Pudukottai District as invalid and to direct the respondents 1 to 4 to conduct re-election to the post of President of Ponnangalam



Village Panchayat, Avaudaiyarkoil Panchayat Union, Avaudaiyarkoil Taluk, Pudukottai District.

For Petitioner : Mr.B.Janakiram

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 R4

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 declaring the election conducted, on 30.12.2019, for the post of President of Ponnangalam Village Panchayat, Avaudaiyarkoil Panchayat Union, Avudaiyarkoil Taluk, Pudukottai District, as invalid and to direct the respondents 1 to 4 to conduct re-election to the post of President of Ponnangalam Village Panchayat, Avaudaiyarkoil Panchayat Union, Avaudaiyarkoil Taluk, Pudukottai District.

2. Though the petitioner has got an alternative remedy by way of election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994 challenging the election for the post of President of Village Panchayat held on 30.12.2019, he has filed the above writ petition under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the Returning Officer re-counted the votes, without any application filed by any of the contesting parties.

4. However, Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents 2 to 4, submitted that the fifth respondent had submitted application for re-counting to votes and only based on the said application, the votes had been re-counted by the Returning Officer.

5. Since the petitioner has got an alternative remedy by way of election petition as stated above, we are not inclined to entertain the writ petition. The petitioner can raise all the issues available to him in the election petition, under Section 258 of the Tamil Nadu Panchayats Act, 1994. It is open to the petitioner to file election petition challenging the election for the post of President of Ponnangalam Village Panchayat, held on 30.12.2019.



6. With these observations, the writ petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The State Election Commissioner
Koyambedu
Chennai-600 107

2.The State Election Officer / Director,
Rural Development and
Panchayat Raj Department,
Saidapet, Chennai-600 015.

3.The District Election Officer,
District Election Office,
Pudukottai.

4.The Returning Officer,
Village Panchayat President and
Member Election,
Avudaiyarkovil and
Block Development Officer (B.PT),
Avudaiyarkovil, Pudukottai District.

+3cc to Mr.B.Janakiram,Advocate, SR.No.2919

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and

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