



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND**

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.718 of 2020

and

W.M.P(MD)No.528 of 2020

S.Jeyalakshmi

... Petitioner

Vs.

1.The Election Commissioner,
Tamil Nadu Election Commission,
Inner Ring Road,
Jai Nagar, Koyambadu,
Chennai - 106.

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

3.The Block Development Officer and Election Officer,
Block Development Office,
Sedapatti Union,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-count all the ballot papers properly for the post of President, Kudiseri Village Panchayat, Sedapatti Union, Madurai District which held in the Tamil Nadu Local Body Election 2019 - 2020 and further direct the respondents to video-graph the entire counting process and declare results by considering the petitioner's representation dated 06.01.2020.

For Petitioner : Mr.S.M.Anantha Murugan

For R - 1 : Mr.Raja Karthikeyan

For RR 2 & 3 : Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.



ORDER

(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 respondents to re-count all the ballot papers properly for the post of President, Kudiseri Village Panchayat, Sedapatti Union, Madurai District which held in the Tamil Nadu Local Body Election 2019 - 2020 and further direct the respondents to video-graph the entire counting process and declare results by considering the petitioner's representation dated 06.01.2020.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petition are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India. Further, the petitioner has got alternate remedy by way of an Election Petition.

3.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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Tamil Nadu Election Commission,
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Jai Nagar, Koyambadu,
Chennai - 106.

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



3.The Block Development Officer and Election Officer,
Block Development Office,
Sedapatti Union,
Madurai District.

+1 CC to M/s.S.M.ANANDAMURUGAN, Advocate (SR-1505[F] dated
10/01/2020)

+1 CC to M/s.SPL.GP (SR-1968[F] dated 20/01/2020)

W.P (MD) No.718 of 2020
10.01.2020

KK/SAR/28.01.2020/3P-6C/