



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.646 of 2020
and
W.M.P(MD)Nos.478 & 480 of 2020

Vijayalakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Election Commissioner,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.

2.The Sub-Collector cum District Election Officer,
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer cum Returning Officer,
Sengamala Natchiyarpuram,
Sivakasi Taluk,
Virudhunagar District.

4.Santhana Mary

5.Rajkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the illegal declaration of the fourth respondent as the President and to declare the petitioner as winning candidate on the basis of counting on 02.01.2020 and re-counting on 03.01.2020.

For Petitioner	: Mr.S.Natarajan
For R - 1	: Mr.D.Shanmugaraja Sethupathi
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 1 to 3 to cancel the illegal declaration of the fourth respondent as the President and to declare the petitioner as winning candidate on the basis of counting on 02.01.2020 and re-counting on 03.01.2020.

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.

3.Since the petitioner has got alternate remedy by way of an Election Petition, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Election Commissioner,
Rep. by the State of Tamil Nadu,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.
- 2.The Sub-Collector cum District Election Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Block Development Officer cum Returning Officer,
Sengamala Natchiyarpuram,
Sivakasi Taluk,
Virudhunagar District.



+1 CC to SPL.GP (SR-2151[F] dated 21/01/2020)
+1 CC to Mr.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2038[F] dated 20/01/2020)
+1 CC to Mr.S.NATARAJAN, Advocate (SR-2113[F] dated 21/01/2020)

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