



WEB COPY

W.P(MD)No.700 of 2020

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.700 of 2020

and

W.M.P(MD)Nos.508 & 510 of 2020

Saraswathy

... Petitioner

Vs.

1.The State Election Commissioner,
Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.

2.The Returning Officer / Election Officer,
Kallal Block Election Office,
Sivagangai District.

3.Komalavalli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to recount the ballot papers polled for the Ward No.9, Kallal Panchayat Union, Sivagangai District as per the application submitted by the petitioner on 02.01.2020 under Section 66 of the Tamil Nadu Panchayats (Election) Rules, 1995 duly acknowledged by the second respondent.

For Petitioner : Mr.Rm.Arun Swaminathan

For R - 1 : Mr.Raja Karthikeyan,
Standing Counsel.

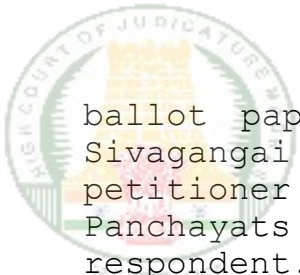
For R - 2 : Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

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 and 2 to recount the

<https://hcservices.ecourts.gov.in/hcservices/>



ballot papers polled for the Ward No.9, Kallal Panchayat Union, Sivagangai District as per the application submitted by the petitioner on 02.01.2020 under Section 66 of the Tamil Nadu Panchayats (Election) Rules, 1995 duly acknowledged by the second respondent.

WEB COPY

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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps
To

1.The State Election Commissioner,
Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.

2.The Returning Officer / Election Officer,
Kallal Block Election Office,
Sivagangai District.

+1 CC to M/s.RM.ARUNSWAMINATHAN, Advocate (SR-1441[F] dated 10/01/2020)

W.P (MD) No.700 of 2020
10.01.2020

KK/SAR/13.01.2020/2P-4C/