



WEB COPY

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.681 of 2020

and

W.M.P. (MD) No.499 of 2020

S.Shanmuga Sundram

... Petitioner

-vs-

1.The Election Commissioner

Tamil Nadu Election Commission

Inner Ring Road

Jai Nagar

Koyambedu

Chennai-106

2.The District Collector /

District Election Officer

Madurai District

Madurai

3.The Block Development Officer /

Election Officer

The Block Development Office

Kottampatti Panchayat

Melur Taluk

Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to recount all the Ballot papers by including postal ballot papers for the post of President, Chennagarampatti Village Panchayat, Kottampatti Union, Melur Taluk, Madurai District, which held in the Tamil Nadu Local Body Election 2019-2020 and further direct the respondents to videograph the entire counting process and declare result by considering the petitioner's representation dated 07.01.2020.

For Petitioner : Mr.S.J.Chakkaravarthy

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.]

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The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to recount all the ballot papers by including the postal ballot papers for the post of President, Chennagarampatti Village Panchayat, Kottampatti Union, Melur Taluk, Madurai District, polled in the Tamil Nadu Local Body Election 2019-2020 and further to direct the respondents to videograph the entire counting process and declare the results by considering his representation dated 07.01.2020.

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 (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To:

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

2.The Block Development Officer /
Election Officer,
The Block Development Office,
Kottampatti Panchayat,
Melur Taluk,
Madurai District.



3.The Election Commissioner
Tamil Nadu Election Commission
Inner Ring Road
Jai Nagar
Koyambedu
Chennai-106

+1 CC to Mr.S.J.CHAKKARAVARTHY, Advocate (SR-1442[F] dated
10/01/2020)

+1 CC to SPL.GP (SR-1957[F] dated 20/01/2020)

W.P. (MD) No.681 of 2020

and

W.M.P. (MD) No.499 of 2020

10.01.2020

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