



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.640 of 2020

and

W.M.P. (MD) No.472 of 2020

A.Malarvizhi

... Petitioner

-vs-

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

2.The District Collector
Thanjavur District
Thanjavur

3.The Election Officer
Thanjavur Union Panchayat
Thanjavur District

4.Manjula

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 3rd respondent to re-count the ballot papers for Mathur East Panchayat Presidential Election, Mathur East, Thanjavur Taluk, Thanjavur District, based on the recommendation of the 2nd respondent in Na.Ka.No.783/2019/உள்.தே. dated 03.01.2020 by considering petitioner's representation dated 03.01.2020.

For Petitioner : Mr.A.Haja Mohideen

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.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the third respondent to re-count the ballot papers for Mathur East Panchayat Presidential Election, Mathur East, Thanjavur Taluk, Thanjavur District, based on the recommendation of the second respondent, dated 03.01.2020, by considering her representation dated 03.01.2020.

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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Election Officer,
Thanjavur Union Panchayat,
Thanjavur District.

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-1753[F] dated 13/01/2020)

+1 CC to M/s.SPL.GP (SR-1963[F] dated 20/01/2020)

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and

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10.01.2020