



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.699 of 2020**

Kasimayan ... Petitioner  
Vs.

1.The Tamil Nadu State Election Commission,  
Chennai-106.

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

3.The Returning Officer,  
Sedapatti Union,  
Peraiyur Taluk,  
Madurai District.

4.B.Govindharaj ... Respondents

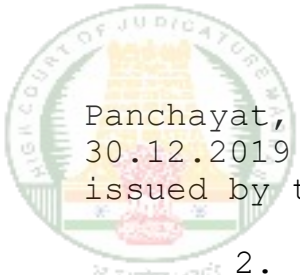
Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to recount the ballot papers polled for the post of President Sembarani Panchayat, Sedapatti Union, Peraiyur Taluk, Madurai District held on 30.12.2019 by verifying the serial numbers mentioned in Form-20 issued by the third respondent.

For Petitioner : Mr.M.Karunanithi  
For Respondents : Mr.Raja Karthikeyan  
for R.1  
Mr.K.Chellapandian  
Additional Advocate General  
assisted by  
Mr.VR.Shanmuganathan  
Special Government Pleader for R.2 & R.3

**ORDER**

[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 respondents 1 to 3 to recount the ballot papers polled for the post of President of Sembarani



Panchayat, Sedapatti Union, Peraiyur Taluk, Madurai District held on 30.12.2019 by verifying the serial numbers mentioned in Form-20 issued by the third respondent.

2. Since the petitioner has filed the writ petition without exhausting the alternative remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994, the writ petition cannot be entertained. That apart, the issues involved in the present writ petition are matter for evidence and the same cannot be decided in this writ petition.

3. In such view of the matter, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS )

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To

1.The Tamil Nadu State Election Commission,  
Chennai-106.

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

3.The Returning Officer,  
Sedapatti Union,  
Peraiyur Taluk,  
Madurai District.

+1 CC to M/s.M.KARUNANITHI, Advocate ( SR-1523[F] dated 10/01/2020 )  
+1 CC to SPL.GP ( SR-1973[F] dated 20/01/2020 )

**W.P(MD)No.699 of 2020**  
**10.01.2020**

MK (24.01.2020) 2P 6C