



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.838 of 2020
and
W.M.P(MD)No.615 of 2020**

Pala.Natchammai

... 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,
Pudukkottai District, Pudukkottai.

3.The Block Development Officer and Election Officer,
Block Development Office,
Ponnamaravathi Union,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to re-count properly the entire ballot papers for the post of Thuthur Village Panchayat President, Ponnamaravathi Taluk, Pudukkottai District which was held on 30.12.2019 in the Tamil Nadu Local Body Election 2019-2020 and declare the results within a time stipulated by this Court by considering the petitioner's representation dated 06.01.2020.

For Petitioner : Mr.S.M.Anantha Murugan

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 to re-count properly the entire ballot papers for the post of Thuthur Village Panchayat President, Ponnamaravathi Taluk, Pudukkottai District which was held on 30.12.2019 in the Tamil Nadu Local Body Election 2019-2020 and declare the results within a time stipulated by this Court by considering the petitioner's representation dated 06.01.2020.

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 **(*)disposed of**. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

**(*)Corrected vide order dated 06.02.2020
in WP(MD).838 of 2020 in MDJ, TRNJ**

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

**(*)to be substituted as per order copy already despatched on
28.01.2020**

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



2.The District Collector / District Election Officer,
Pudukkottai District, Pudukkottai.

3.The Block Development Officer and Election Officer,
Block Development Office,
Ponnamaravathi Union,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-2147[F]

+1 CC to M/s.S.M.ANANTHAMURUGAN, Advocate (SR- 5015

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2042[F]

W.M.P (MD) No. 615 of 2020

KK/SAR/28.01.2020/3P-8C/
TR(06.02.2020)3P 7C