



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.802 of 2020

and

W.M.P(MD)No.579 of 2020

Nilavarasan

... Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu State Election Commission,
Chennai.
- 2.The District Collector and Panchayat Election Officer,
Tiruchirappalli.
- 3.The Block Development Officer (Union Panchayat) /
The Returning Officer,
Minor Panchayat Presidents (Village Panchayat Ward),
Thathaiyangarpettai Panchayat Union,
Musiri Taluk, Trichy District.
- 4.Saravanan
- 5.Senthilkumar
- 6.Thekkan
- 7.Senthil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the fourth respondent's candidature as President of the Mahadevi Village Panchayat, Thathaiyangarpettai Panchayat Union, Musiri Taluk, Trichy District as null and void.

For Petitioner	: Mr.S.Muthukrishnan
For R - 1	: Mr.D.Shanmugaraja Sethupathi
For RR 2 & 3	: 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 Declaration, to declare the fourth respondent's candidature as President of the Mahadevi Village Panchayat, Thathaiyangarpettai Panchayat Union, Musiri Taluk, Trichy District as null and void.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to him 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 Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

- 1.The Commissioner,
Tamil Nadu State Election Commission,
Chennai.
- 2.The District Collector and Panchayat Election Officer,
Tiruchirappalli.
- 3.The Block Development Officer (Union Panchayat) /
The Returning Officer,
Minor Panchayat Presidents (Village Panchayat Ward),
Thathaiyangarpettai Panchayat Union,
Musiri Taluk, Trichy District.

+1 CC to M/s.SPL.GP (SR-2149[F] dated 21/01/2020)



+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-1778[F] dated 13/01/2020

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2040[F] dated 20/01/2020)

WEB COPY

**W.P(MD)No.802 of 2020
13.01.2020**

JMN(27.01.2020) 3P : 7C