



WEB COPY

W.P(MD)No.789 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.789 of 2020

and

W.M.P(MD)Nos.561 & 562 of 2020

Rajakumari

... Petitioner

Vs.

1.The Tamil Nadu State Election Commissioner,
208/2, Jawaharlal Road,
Opp to CMBT,
Arumbakkam,
Chennai - 106.

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

3.The Returning Officer / Block Development Officer,
Local Body Elections,
Sivagangai Panchayat Union,
Sivagangai District.

4.Kesavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the local body election conducted for Ward No.16 for the post of Union Councilor of Sivagangai Panchayat Union dated 27.12.2019 and quash the same as illegal and consequently direct the respondents to conduct the election afresh for the same.

For Petitioner

: Mr.T.Kumar

For R - 1

: Mr.Raja Karthikeyan,
Standing Counsel.

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 Certiorarified Mandamus, to call for the records pertaining to the local body election conducted for Ward No.16 for the post of Union Councilor of Sivagangai Panchayat Union dated 27.12.2019 and quash the same as illegal and consequently direct the respondents to conduct the election afresh for the same.

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 dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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Sivagangai District.

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+1 CC to M/s.T.KUMAR, Advocate (SR-1731[F] dated 13/01/2020)

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JMN(13.01.2020) 3P : 5C