



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.847 of 2020

Bhagyalakshmi

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Election Commission,
Chennai.

2.The District Election Officer,
Karur District.

3.The Returning Officer / BDO,
Kulithalai Union,
Kulithalai Taluk,
Karur District.

4.Rathinavalli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to conduct re-counting with regard to the votes polled on 30.12.2019 pursuant to the post of President of Rajendiram North, Kulithalai Taluk, Karur District.

For Petitioner : Mr.K.Arunraj
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.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to conduct re-counting with regard to the votes polled on 30.12.2019 pursuant to the post of President of Rajendiram North, Kulithalai Taluk,



Karur District.

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.

Sd/-

Assistant Registrar

// True Copy //

/ /2020
Sub Assistant Registrar(CS)

ps

To

1.The Commissioner,
Tamil Nadu Election Commission,
Chennai.

2.The District Election Officer,
Karur District.

3.The Returning Officer / BDO,
Kulithalai Union,
Kulithalai Taluk,
Karur District.

+1 CC to M/s.K.ARUN RAJ, Advocate (SR-1743[F] dated 13/01/2020)

+1 CC to M/s.SPL.GP (SR-2146[F] dated 21/01/2020)

+1 CC to M/s.D.SHANMUGARAJASETHUPATHI, Advocate (SR-2043[F] dated 20/01/2020)

W.P(MD)No.847 of 2020
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KK/SAR/28.01.2020/2P-7C/