



WEB COPY

W.P(MD)No.1082 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.1082 of 2020

and

W.M.P (MD)Nos.871 and 873 of 2020

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... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
at Nagercoil,
Kanyakumari District.

2.The Election Officer,
Melpuram Union,
Melpuram,
Kanyakumari District.

3.Mancode Village Panchayat,
represented by its
President,
Mancode,
Kanyakumari District.

4.Iyla

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the election of the fourth respondent as Vice President of the third respondent Panchayat as illegal, null and void and consequently, direct the respondents 1 to 3 to conduct a free and fair election by affording opportunity to the petitioner by considering the representations of the petitioner dated 11.01.2020 and 13.01.2020 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.K.Chellapandian,
Additional Advocate General
assisted by
VR.Shanmuganathan
Special Government Pleader for
R.1 and R.2



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 election of the fourth respondent as Vice President of the third respondent Panchayat as illegal, null and void and consequently, direct the respondents 1 to 3 to conduct a free and fair election by affording opportunity to the petitioner by considering the representations of the petitioner dated 11.01.2020 and 13.01.2020.

2. The petitioner has filed the writ petition without exhausting alternative remedy by way of an election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. When the petitioner has got alternative remedy, she should exhaust the same. Further the issue involved in the present writ petition is a matter for evidence and therefore, the proper Forum to grant relief to the petitioner is only the District under Section 258 of the Tamil Nadu Panchayats Act, 1994.

3. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Kanyakumari District,
at Nagercoil,
Kanyakumari District.

2.The Election Officer,
Melpuram Union,
Melpuram,
Kanyakumari District.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-2221[F] dated 21/01/2020)

+1 CC to SPL.GP (SR-2562[F] dated 23/01/2020)

W.P(MD)No.1082 of 2020 and
W.M.P(MD)Nos.871 and 873 of 2020
21.01.2020