



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P (MD) No.1123 of 2020

T.Mohamed Ali Khan

... Petitioner

Vs.

1.The State Election Commissioner,
Office of the State Election Commission,
Inner Ring Road,
Jai Nagar,
Koyambedu,
Chennai - 600 106.

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

3.The Assistant Election Officer / Block Development Officer,
Thiruppullani Panchayat Union Office,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to conduct re-polling of Ward No.9 and 11 (polling station 100) and consequently announce the election results with regard to the election of ward members of Village Panchayat, President of Village Panchayat, ward member of Panchayat Union and ward member of District Panchayat in Ward No.9 and 11 of Mayakulam Village Panchayat in a fair and democratic manner.

For Petitioner : Mr.F.Deepak

For R - 1 : Mr.Raja Karthikeyan

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 conduct re-polling of Ward Nos.9 and 11 (polling station 100) and consequently announce the election results with regard to the election of ward members of Village Panchayat, President of Village Panchayat, ward member of Panchayat Union and ward member of District Panchayat in Ward No.9 and 11 of Mayakulam Village Panchayat in a fair and democratic manner.

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.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps
To

1.The State Election Commissioner,
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Inner Ring Road,
Jai Nagar,
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Chennai - 600 106.

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



3.The Assistant Election Officer / Block Development Officer,
Thiruppullani Panchayat Union Office,
Ramanathapuram District.

WEB COPY

+1 CC to M/s.SPL.GP (SR-2586[F] dated 23/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-3002[F] dated
24/01/2020)

W.P (MD) No.1123 of 2020
22.01.2020

mr (CO)
TR(06.02.2020) 3P 6C