



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

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

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.1341 of 2020

and

W.M.P (MD) No.1087 of 2020

M.Murugeswari

... Petitioner

Vs.

1.The Returning Officer,
Block Development Officer,
Madurai East Panchayat Union Office,
Tallakulam,
Madurai.

2.The Assistant Returning Officer,
Panchayat Board Office,
Sakkimangalam.

3.The Inspector of Panchayats,
The District Collector,
Madurai District, Madurai.

4.S.Subakathulla

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to conduct an enquiry as per representation dated 11.01.2020 by the majority of ward members on the procedure adopted by the second respondent and hold re-election for selection to the post of Vice President of Sakkimangalam Village Panchayat in Madurai East Taluk of Madurai District.

For Petitioner

: Mr.N.Sundaresan

For RR 1 to 3

: Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

For R - 4

: Mr.C.Jeganathan



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 third respondent to conduct an enquiry as per representation dated 11.01.2020 by the majority of ward members on the procedure adopted by the second respondent and hold re-election for selection to the post of Vice President of Sakkimangalam Village Panchayat in Madurai East Taluk of Madurai 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Returning Officer,
Block Development Officer,
Madurai East Panchayat Union Office,
Tallakulam,
Madurai.

2.The Assistant Returning Officer,
Panchayat Board Office,
Sakkimangalam.



3.The Inspector of Panchayats,
The District Collector,
Madurai District, Madurai.

+1 CC to M/s.N.SUNDARESAN, Advocate (SR-2792[F] dated 24/01/2020)

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-2933[F] dated 24/01/2020)

**W.P(MD)No.1341 of 2020
24.01.2020**

JMN(24.01.2020) 3P : 6C