



WEB COPY

W.P(MD)No.1316 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.1316 of 2020

and

W.M.P (MD)No.1064 of 2020

S.Joseph Arockia Rajaiah

... Petitioner

Vs.

1.The Election Commissioner,
Tamil Nadu Election Commission,
Inner Ring Road,
Jai Nagar,
Koyambedu,
Chennai - 106.

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

3.The Sub Collector/
Assistant District Election Officer,
Sivakasi,
Virudhunagar District.

4.The Block Development Officer/
Election Officer,
Block Development Office,
Watrap,
Virudhunagar District.

5.Sindhu Murugan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to recount properly the entire ballot papers for the post of Watrap Panchayat Union Councillor, Ward No.13, Virudhunagar District, which was held on 27.12.2019 in the Tamil Nadu Local Body Election 2019-2020 and declare the results within a time stipulated by this Court, by considering the petitioner's representation dated 06.01.2020.

For Petitioner

: Mr.S.M.Anantha Murugan

<https://hcservices.ecourts.gov.in/hcservices/>



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For Respondents : Mr.Raja Karthikeyan for R.1
Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader for
R.2 to R.4

Mr.E.Mareeskumar for R.5

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 to direct the respondents to recount properly the entire ballot papers for the post of Watrap Panchayat Union Councillor, Ward No.13, Virudhunagar District, which was held on 27.12.2019 in the Tamil Nadu Local Body Election 2019-2020 and declare the results, by considering the petitioner's representation dated 06.01.2020.

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, he 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 Court 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 disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Ssl

To

1.The Election Commissioner,
Tamil Nadu Election Commission,
Inner Ring Road, Jai Nagar,
Koyambedu, Chennai - 106.

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

3.The Sub Collector/
Assistant District Election Officer,
Sivakasi, Virudhunagar District.

4.The Block Development Officer/
Election Officer,
Block Development Office,
Watrap, Virudhunagar District.

+1 CC to Mr.S.M.ANANTHA MURUGAN, Advocate (SR-2623[F] dated
23/01/2020)

+1 CC to Mr.E.MAREESKUMAR, Advocate (SR-2732[F] dated
24/01/2020)

+1 CC to SPL GP (SR-2800[F] dated 24/01/2020)

+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-3008[F] dated
24/01/2020)

W.P (MD) No.1316 of 2020

and

W.M.P (MD) No.1064 of 2020

23.01.2020

KM/ (27.01.2020) 3P 9C