



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.1289 of 2020

and

W.M.P(MD)No.1042 of 2020

R.Krishnaveni

... Petitioner

Vs.

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

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

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

4.The Block Development Officer/
Election Officer,
Block Development Office,
Sivakasi West - 626 123.
Virudhunagar District.

5.R.Devarajan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1, 2 and 4 to cancel the Local Body Election conducted on 27.12.2019 for the post of President, Narnapuram Village Panchayat, Sivakasi Taluk, Virudhunagar District and to conduct re-election for such post in free and fair manner by considering the petitioner's representation dated 06.01.2020.

For Petitioner

: Mr.S.M.Anantha Murugan



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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 1, 2 and 4 to cancel the Local Body Election conducted on 27.12.2019 for the post of President, Narnapuram Village Panchayat, Sivakasi Taluk, Virudhunagar District and to conduct re-election for such post in free and fair manner 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, 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 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ssl



To

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

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

3.The Tahsildar,
Sivakasi Taluk, Virudhunagar District.

4.The Block Development Officer/
Election Officer,
Block Development Office,
Sivakasi West - 626 123.
Virudhunagar District.

+1 CC to M/s.S.M./ANANTHA MURUGAN, Advocate (SR-2620[F] dated 23/01/2020)

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-2733[F] dated 24/01/2020)

+1 CC to M/s.SPL GP (SR-2798[F] dated 24/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-3006[F] dated 24/01/2020)

W.P (MD) No.1289 of 2020

and

W.M.P (MD) No.1042 of 2020

23.01.2020

JMN(27.01.2020) 3P : 9C