



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.01.2020
CORAM

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

W.P(MD)No.1268 of 2020

M.Pugalendhi ... Petitioner
Vs.

1.The Tamil Nadu State Election Commissioner,
Jawaharlal Nehru Road,
Koyambedu,
Chennai - 600 106.

2.The District Election Officer/District Collector,
Office of the District Collector,
Sivagangai District,
Sivagangai.

3.The Election Officer/
Block Development Officer,
Singampunari Panchayat Union,
Sivagangai District.

4.K.R.Chelian ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to conduct the recounting for the election conducted on 30.12.2019 for the post of President of D.Mampatti Village Panchayat which comes under Singampunari Panchayat Union in Sivagangai District, on the basis of the petitioner's representation dated 13.01.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.Antony S.Prabakar

For Respondents : Mr.Raja Karthikeyan, standing counsel
for R.1
Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Government Pleader
for R.2 & R.3



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 to 3 to conduct the recounting for the election conducted on 30.12.2019 for the post of President of D.Mampatti Village Panchayat which comes under Singampunari Panchayat Union in Sivagangai District, on the basis of the petitioner's representation dated 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, 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 dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

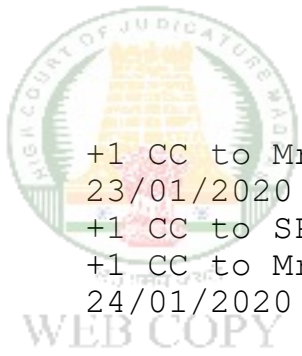
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To

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+1 CC to Mr.ANTONY S PRABHAHAR, Advocate (SR-2682[F] dated
23/01/2020)
+1 CC to SPL GP (SR-2796[F] dated 24/01/2020)
+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-3003[F] dated
24/01/2020)

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23.01.2020

MK (04.02.2020) 3P 7C