



**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.1205 of 2020

and

W.M.P. (MD) No.958 of 2020

Jayaraman

... Petitioner

-vs-

1.The Tamil Nadu State Election Commissioner
Tamil Nadu State Election Commission
No.208/2, Jawaharlal Nehru Road
Opp.CMBT, Arumbakkam
Chennai-600 106

2.The Secretary
Tamil Nadu State Election Commission
No.208/2, Jawaharlal Nehru Road
Opp.CMBT, Arumbakkam
Chennai-600 106

3.The Principal Election Officer (Panchayat)
Tamil Nadu State Election Commission
No.208/2, Jawaharlal Nehru Road
Opp.CMBT, Arumbakkam
Chennai-600 106

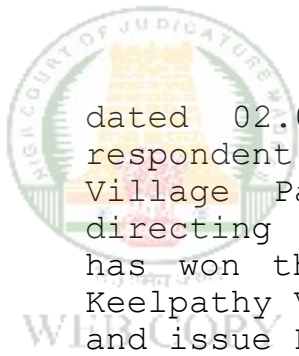
4.The District Collector-cum-
District Election Officer
Sivagangai District
Sivagangai

5.The Block Development Officer-cum-
The Returning Officer
Sivagangai Panchayat Union
Sivagangai
Sivagangai District

6.Mahendran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus declaring the Form 25 certificate



dated 02.01.2020 issued by the respondent No.5 declaring the respondent No.6 as elected as President of the Kottakudi Keelpathy Village Panchayat, Sivagangai District, is null and void and directing the respondent Nos.1 to 5 to declare that the petitioner has won the election for the post of the President of Kottakudi Keelpathy Village Panchayat, Sivagangai District, held on 27.11.2019 and issue Form 25 certificate to the petitioner.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.AR.L.Sundaresan

assisted by Mr.Raja Karthikeyan

Standing Counsel for R1

Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.V.R.Shanmuganathan

Special Government Pleader for R2 to R5

Mr.J.Jayakumaran for R6

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus declaring the Form-25 certificate, dated 02.01.2020, issued by the fifth respondent declaring the sixth respondent elected as President of Kottakudi Keelpathy Village Panchayat, Sivagangai District, as null and void and directing the respondents 1 to 5 to declare that the petitioner has won the election for the post of the President of Kottakudi Keelpathy Village Panchayat, Sivagangai District, held on 27.11.2019 and issue Form-25 certificate to him.

2. The petitioner has got alternative remedy by way of election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. Instead of filing election petition, the petitioner has approached this Court by filing a writ petition under Article 226 of the Constitution of India. That apart, the issues involved in the present writ petition are the matter of evidence, which cannot be decided in a writ jurisdiction. In these circumstances, we are not inclined to entertain the writ petition.

3. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To:

1.The Secretary,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp.CMBT, Arumbakkam, Chennai-600 106.

2.The Principal Election Officer (Panchayat),
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp.CMBT, Arumbakkam, Chennai-600 106.

3.The District Collector-cum-
District Election Officer,
Sivagangai District, Sivagangai.

4.The Block Development Officer-cum-
The Returning Officer,
Sivagangai Panchayat Union,
Sivagangai, Sivagangai District.

+1 CC to Mr.V.KANNAN, Advocate (SR-2438[F] dated 22/01/2020)
+1 CC to SPL.GP (SR-2588[F] dated 23/01/2020)
+1 CC to Mr.J.JEYAKUMARAN, Advocate (SR-2651[F] dated 23/01/2020)
+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate (SR-3005[F] dated
24/01/2020)

W.P. (MD) No.1205 of 2020

and

W.M.P. (MD) No.958 of 2020

22.01.2020

MK (06.02.2020) 3P 9C