



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2020

CORAM

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

W.P(MD)No.1549 of 2020

and

W.M.P(MD)Nos.1266 and 1267 of 2020

Abdul Hakkim

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by
The Election Commissioner,
Jawaharlal Nehru Road,
Jai Nagar,
Koyambedu,
Chennai - 600 106.
- 2.The District Election Officer-cum-
District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Block Development Officer-cum-
Returning Officer,
Arimalam Panchayath Union,
Avudaiarkovil Taluk,
Pudukkottai District.
- 4.Basheer Ahammed
- 5.Kuppuraja
- 6.Pandi

... 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 and 2 to recount the votes for the post of Union Councillor of Avudaiarkovil Union 12th Ward, Pudukkottai District, based on the representation of the petitioner dated 07.01.2020.

For Petitioner : M/s.P.Senguttuarasan



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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 & 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 directing the respondents 1 and 2 to recount the votes for the post of Union Councillor of Avudaiarkovil Union 12th Ward, Pudukkottai District, based on the representation of the petitioner dated 07.01.2020.

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 Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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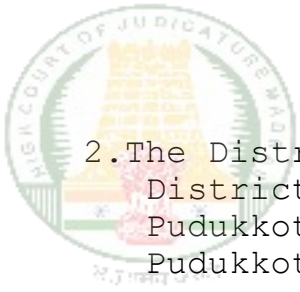
Sub Assistant Registrar(CS)

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To

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

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



2.The District Election Officer-cum-District Collector,
Pudukkottai District,
Pudukkottai.

3.The Block Development Officer-cum-Returning Officer,
Arimalam Panchayat Union,
Avudaiarkovil Taluk,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-3647[F] dated 29/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-3772[F] dated 29/01/2020)

W.P(MD)No.1549 of 2020

and

W.M.P(MD)Nos.1266 and 1267 of 2020

27.01.2020

JMN(06.02.2020) 3P : 6C