



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2020

CORAM:

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

W.P. (MD) No.1493 of 2020

V.Muthu

... Petitioner

-VS-

1.The Commissioner
State Election Commission of
Tamil Nadu, Chennai
Tamil Nadu

2.The District Collector
District Election Officer
District Collector Office
Sivagangai

3.The Block Development Officer
Devakottai Panchayat
Thiruppathur
Devakottai
Sivagangai District

4.The Tahsildar
Devakottai Taluk
Sivagangai District

5.R.Kalaiselvam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to declare the election of the fifth respondent as Ward Member of Ward No.2 of Uruvatti Village Panchayat, Devakottai Taluk, Sivagangai District, held on 30.12.2019 in the Tamil Nadu Local Body Elections, 2019 is null and void due to the disqualification of the fifth respondent and declare the petitioner as Ward Member of Ward No.2 of Uruvatti Village Panchayat, Devakottai Taluk, Sivagangai District, on the light of the petitioner's representation, dated 09.01.2020.



For Petitioner : Mr.V.Nagendran

For Respondents : 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 R4

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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 directing the respondents 1 to 4 to declare the election of the fifth respondent as Ward Member of Ward No.2 of Uruvatti Village Panchayat, Devakottai Taluk, Sivagangai District, held on 30.12.2019, in the Tamil Nadu Local Body Elections, 2019 as null and void due to the disqualification of the fifth respondent and to declare the petitioner as Ward Member of Ward No.2 of Uruvatti Village Panchayat, Devakottai Taluk, Sivagangai District, based on his representation, dated 09.01.2020.

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 disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To:

1.The District Collector,
District Election Officer,
District Collector Office,
Sivagangai.

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



2.The Block Development Officer,
Devakottai Panchayat,
Thiruppathur,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-2850[F] dated 24/01/2020)

+1 CC to M/s.SPL.GP (SR-3186[F] dated 27/01/2020)

W.P. (MD) No.1493 of 2020
24.01.2020

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