



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.1529 of 2020

and

WMP (MD)No.1235 of 2020

N.Raja ... Petitioner
Vs.

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

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

3.The Block Development Officer &
Election Officer,
Block Development Office,
Usilampatti Panchayat Union,
Madurai District.

4.The Assistant Election Officer,
Nadupatti Panchayat,
Usilampatti Taluk,
Madurai District.

5.The President,
Nadupatti Panchayat,
Usilampatti Taluk,
Madurai District.

6.Selvi ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare that the entire process of election in respect of the post of Vice-President, Nadupatti Panchayat, Usilampatti Taluk, Madurai District, held in the year 2019-2020 and the consequential declaration of election of the 6th respondent as Vice-President, are all unconstitutional, illegal, void and consequentially order fresh election in the fair manner known to law in respect of the election



to the post of Vice-President, Nadupatti Panchayat, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.S.Veeranasamy

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

* * * * *

ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition to issue a Writ of Declaration to declare that the entire process of election in respect of the post of Vice-President, Nadupatti Panchayat, Usilampatti Taluk, Madurai District, held in the year 2019-2020 and the consequential declaration of election of the sixth respondent as Vice-President, are all unconstitutional, illegal, void and consequentially order fresh election in the fair manner known to law in respect of the election to the post of Vice-President, Nadupatti Panchayat, Usilampatti Taluk, Madurai District.

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 Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

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

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

3.The Block Development Officer &
Election Officer,
Block Development Office,
Usilampatti Panchayat Union,
Madurai District.

4.The Assistant Election Officer,
Nadupatti Panchayat,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-3606[F] dated
29/01/2020)

+1 CC to M/s.SPL.GP (SR-3654[F] dated 29/01/2020)

W.P (MD) No.1529 of 2020
27.01.2020

KK/SAR/06.02.2020/3P-7C/