



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.1777 of 2020

and

W.M.P. (MD) No.1499 and 1501 of 2020

Periyiasamy

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Opposite To CMBT, Arumbakkam,
Chennai - 600 106.

2.The District Election Officer,
Theni District, Theni.

3.The Returning Officer
for the post of Ward Member,
Theni Panchayat Union Council,
Theni District.

4.Krishnasamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to recount the votes in respect of the post of ward member to 8th ward of Theni Panchayat Union Council, Theni District within a reasonable time to be fixed by this Court.

For Petitioner : Mr.V.Karnan

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.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents 1 to 3 to recount the votes in respect of the post of ward member to 8th ward of Theni



Panchayat Union Council, Theni District within a reasonable time to be fixed by this Court.

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 (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rj2

To

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

2.The District Election Officer,
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Theni Panchayat Union Council,
Theni District.

+1 CC to M/s.V.KARNAN, Advocate (SR-3703[F] dated 29/01/2020)

+1 CC to M/s.SPL.GP (SR-3920[F] dated 30/01/2020)

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KK/SAR/11.02.2020/2P-6C/

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