



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2020

CORAM:

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

W.P (MD) No.2014 of 2020

N.Sankarapandiyan

... Petitioner

Vs.

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

2.The District Collector,
Virudhunagar, Virudhunagar District.

3.The Returning Officer / Block Development Officer,
O.Kovilpatti Village,
Virudhunagar District.

4.R.Muthu Pandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct the re-count votes for the post of Member, Ward No.1, at O.Kovilpatti Village Panchayat, Virudhunagar District.

For Petitioner : Mr.S.Kameswaran

For R - 1 : Mr.Raja Karthikeyan

For RR 2 & 3 : Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

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 conduct the re-count votes for the post of Member, Ward No.1, at O.Kovilpatti



Village Panchayat, Virudhunagar District.

2.The petitioner has filed the above Writ Petition under Article 226 of the Constitution of India without exhausting the alternate remedy available to him under Section 258 of the Tamil Nadu Panchayats Act, 1994. That apart, the issues involved in the present Writ Petition are the matter of evidence, which cannot be decided in the Writ Petition under Article 226 of the Constitution of India.

3.Since the petitioner has got alternate remedy by way of an Election Petition, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

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

2.The District Collector,
Virudhunagar, Virudhunagar District.

3.The Returning Officer / Block Development Officer,
O.Kovilpatti Village,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-4763[F] dated 05/02/2020)

+1 CC to M/s.S.KAMESHWARAN, Advocate (SR-4504[F] dated 03/02/2020)

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JMN(13.02.2020) 2P : 6C