



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2020

CORAM:

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

W.P. (MD) No.2298 of 2020

Josephin Susila

... Petitioner

-vs-

1. The Tamilnadu State Election Commission,
Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai.

2. The District Election-cum-
District Collector,
Dindigul,
Dindigul District.

3. The Block Development Officer-cum-
Returning Officer,
Nilakkottai Union,
Nilakkottai Taluk,
Dindigul District.

4. Roobi Sahila

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to recount the votes including postal votes for Panchayat Union Council Member post in 10th Ward Malaigoundanpatti in Nilakottai Union, Dindigul District, based on the petitioner's representation dated 21.01.2020, within time fixed by this Court.

For Petitioner : Mr.A.Arul Jenifer

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 & R3



O R D E R

[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 to 3 to recount the votes, including postal votes, for the post of Panchayat Union Council Member in 10th Ward, Malaigoundanpatti in Nilakottai Union, Dindigul District, based on her representation dated 21.01.2020, within a stipulated period.

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 dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The District Election-cum-District Collector,
Dindigul, Dindigul District.
2. The Block Development Officer-cum-Returning Officer,
Nilakkottai Union,
Nilakkottai Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-5204[F] dated 07/02/2020)
+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-5335[F] dated 07/02/2020)

KRK
TE : 18/02/2020 : 2P/5C

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