



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND**

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.2595 of 2020

and

W.M.P. (MD)No.2242 of 2020

V.Neela

... Petitioner

Vs.

1.The Secretary,

Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Koyambedu,
Chennai-600 106.

2.The District Election Officer and District Collector,
Pudukkottai District.

3.The Returning Officer,
Arimalam Panchayat Union,
Tirumayam Taluk,
Pudukkottai - 622 202.

4.The Assistant Returning Officer,
Valaramanickam Panchayat,
Arimalam Panchayat Union,
Tirumayam Taluk,
Pudukkottai - 622 202.

5.Lakshmi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration declaring the impugned declaration of result of election in Form 25, dated 02.01.2020 issued by the third respondent in favour of the fifth respondent as elected as President of Valaramanickam Panchayat as illegal, arbitrary, fraudulent and consequently to conduct fresh election.

For Petitioner : Mr.R.Karunanidhi

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 declaring the impugned declaration of result of election in Form 25, dated 02.01.2020 issued by the third respondent in favour of the fifth respondent as elected as President of Valaramanickam Panchayat as illegal, arbitrary, fraudulent and consequently to conduct fresh election.

2. The petitioner is questioning the declaration of the result in favour of the fifth respondent on 02.01.2020 issued by the third respondent. The petitioner has filed the writ petition without exhausting the alternative remedy available to her under Section 258 of the Tamil Nadu Panchayats Act, 1994. 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. It is open to the petitioner to file an election petition challenging the election of the fourth respondent.

Sd/-

Assistant Registrar (AS)

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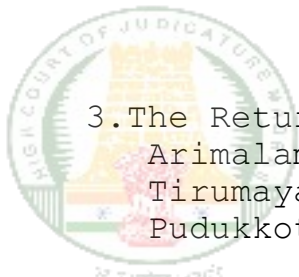
Sub Assistant Registrar(CS)

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To

1.The Secretary,
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4.The Assistant Returning Officer,
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Arimalam Panchayat Union,
Tirumayam Taluk,
Pudukkottai - 622 202.

+1 CC to Mr.R.KARUNANIDHI, Advocate (SR-5733[F] dated 11/02/2020)
+1 CC to SPL.GP (SR-5837[F] dated 12/02/2020)

W.P (MD) No.2595 of 2020

and

W.M.P. (MD) No.2242 of 2020

11.02.2020

MK (20.02.2020) 3P 7C