



WEB COPY

W.P(MD)No.3480 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.3480 of 2020

Kalarani

... Petitioner

Vs.

1.The State Chief Election Officer,
State Election Commission,
Government of Tamil Nadu,
Jawaharlal Nehru Road,
Jainagar, Koyembedu, Chennai.

2.The District Election Officer,
District Collector,
Dindigul District.

3.The Election Officer/
Block Development Officer (Village Panchayat),
Nilakottai Panchayat Union,
Dindigul District.

4.Pappathiyammal

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration declaring the Election of the fourth respondent herein as the President of Sivaganapuram Village Panchayat, Nilakottai Panchayat Union, Dindigul District in the elections held on 27.12.2019 as invalid and to direct the respondents 1 to 3 herein to recount the votes along with the postal votes and to declare the results again.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.VR.Shanmuganathan

Special Government Pleader for R.2 & R.3

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 Declaration declaring the election of the fourth respondent to the post of President of Sivaganapuram Village Panchayat, Nilakottai Panchayat Union, Dindigul District in the elections held on 27.12.2019 as invalid and to direct the respondents 1 to 3 to recount the votes along with the postal votes.



2. It is brought to the notice of this Court that the authorities had issued Form-25, in favour of the fourth respondent on 02.01.2020, declaring her as the successful candidate.

3. It is settled position that the election to the post of Panchayat President cannot be challenged under Article 226 of the Constitution of India and the same can be challenged only by way of election petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. In these circumstances, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ssl

To

1.The State Chief Election Officer,
State Election Commission,
Government of Tamil Nadu,
Jawaharlal Nehru Road,
Jainagar, Koyembedu, Chennai.

2.The District Election Officer,
District Collector,
Dindigul District.

3.The Election Officer/
Block Development Officer (Village Panchayat),
Nilakottai Panchayat Union,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-7778[F] dated 24/02/2020)

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-7885[F]

+1 CC to M/s.T.VADIVELAN, Advocate (SR-8172[F] dated 25/02/2020)

W.P(MD)No.3480 of 2020

21.02.2020

SMA/03/03/2020/2P/7C