



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM :

THE HON'BLE MR.M.DURAI SWAMY, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24703 of 2021

S.Udhayakumar

...Petitioner

vs.

1. The Revenue Divisional Officer/
Returning Officer,
Revenue Divisional Office,
Arakkonam - 631 001.
2. The Block Development Officer,
BDO Office, SH58,
Arakkonam - 631 001.
3. M.Kumar
4. The Commissioner,
Tamilnadu State Election Commission,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 600 106.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to recount the votes polled on 09.10.2021 with respect to the election conducted for the post of Panchayat Union Ward Member for Ward 18, Arakkonam Panchayat Union, Ranipet District.

For the Petitioner	: Mr.Mukunth for M/s.Sarvabhauman Associates
For the Respondents	: Mrs.R.Anitha Spl. Government Pleader for respondent Nos.1 and 2



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: Mr.S.Siva Shanmugham
for respondent No.4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Mrs.R.Anitha, learned Special Government Pleader, takes notice on behalf of respondent Nos.1 and 2. Mr.S.Siva Shanmugham, learned counsel, takes notice on behalf of the fourth respondent.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the first respondent to recount the votes polled on 09.10.2021 with respect to the election conducted for the post of Panchayat Ward Member for Ward No.18, Arakkonam Panchayat Union, Ranipet District.

3. The election for the post of Panchayat Ward Member was held on 09.10.2021 and the petitioner has filed the present writ petition seeking for a direction to the first respondent to recount the votes polled on 09.10.2021.

4. It is settled position of law that the remedy open to the petitioner is to file an Election Petition under Section 258 of the Tamil Nadu Panchayats Act, 1994 before the Election Tribunal. The writ petition filed by the petitioner, without exhausting the appeal remedy provided under the Act, is not maintainable.

5. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.25997 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To:

1. The Revenue Divisional Officer/Returning Officer,
Revenue Divisional Office,
Arakkonam - 631 001.



2. The Block Development Officer,
BDO Office, SH58,
Arakkonam - 631 001.

3. The Commissioner,
Tamilnadu State Election Commission,
208/2, Jawaharlal Nehru Salai,
Arumbakkam,
Chennai - 600 106.

+1 cc to M/s.Sarvabhauman,Advocate Sr.No.59859

+1 cc to the Government Pleader, Sr.60001

W.P.No.24703 of 2021

KG[co]

NSK 03/12/2021