



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.24722 OF 2021

P.Kalaimani

.. Petitioner

vs

1. The State Election Commissioner of Tamilnadu,
O/o The State Election Commissioner
of Tamilnadu,
No.208/2, Jawaharlal Nehru Road,
Jai Nagar, Koyambedu,
Chennai - 600 106.
2. The District Collector/The District Election Officer,
Villupuram,
Villupuram District - 605 602.
3. The Block Development Officer (Rural),
O/o The Block Development Officer (Rural),
Marakkanam Town and Union,
Tindivanam Taluk,
Villupuram District - 604 303.
4. R.Paranthaman,
Social Science Teacher,
Government Adi-Dravidar Higher Secondary School,
Singanur Village and Post,
Tindivanam Taluk,
Villupuram District - 604 002.
5. S.Revathy Arivasu
6. K.Ranikotteeshwaran
7. G.Bhuvaneshwari
8. P.Amirdham

.. Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the District Collector/The District Election Officer, Villupuram and District and The Block Development Officer (Rural), Marakkanam Taluk and Union, Tindivanam Taluk, Villupuram District, the 2nd and 3rd respondents to recount votes polled at No.48, Thenpasiyar Village Panchayat situated in Tindivanam Taluk, Villupuram District which the Panchayat Election held on 09.10.2021 on the basis of the petitioner's representations dated 12.10.2021 and 18.10.2021.

For the Petitioner : Mr.K.Balakrishnan

For the Respondents : Mr.S.Siva Shanmugham
for respondent No.1
: Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.2 and 3

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the District Collector/District Election Officer, Villupuram and the Block Development Officer (Rural), Marakkanam Town and Union, the second and the third respondents to recount the votes polled at No.48, Thenpasiyar Village Panchayat situated in Tindivanam Taluk, Villupuram District pertaining to the election held on 09.10.2021 on the basis of the petitioner's representations dated 12.10.2021 and 18.10.2021.

2. The petitioner, who was unsuccessful in the election held on 09.10.2021, has filed the above writ petition under Article 226 of the Constitution of India seeking for recounting of the votes polled on 09.10.2021.

3. After the completion of the election process, the remedy open to the petitioner, who was unsuccessful in the local body election, is to file an Election Petition under Section 258 of the Tamil Nadu Panchayats Act, 1994. The petitioner can raise all issues available under the Act in the Election Petition. The writ petition filed by the petitioner under Article 226 of the Constitution of India is not maintainable.



4. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.26008 of 2021 is closed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The State Election Commissioner of Tamilnadu,
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No.208/2, Jawaharlal Nehru Road,
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2. The District Collector/The District Election Officer,
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3. The Block Development Officer (Rural),
O/o The Block Development Officer (Rural),
Marakkanam Town and Union,
Tindivanam Taluk,
Villupuram District - 604 303.

+lcc to Mr.K.Balakrishnan Advocate, S.R.No.59556
+lcc to the Government Pleader, S.R.No.60003

W.P.No.24722 of 2021

VBM(CO)
PM/26/11/2021