



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4972 of 2022

M.Raja

.. Petitioner

Vs

- 1 The State Election Commissioner
Office of State Election Commission
Jawaharlal Nehru Road
Arumbakkam
Chennai - 106.
- 2 The District Election Officer /
District Collector Tuticorin
District Collector Office, Tuticorin.
- 3 The Election Officer / Commissioner
Tuticorin Corporation
Corporation of Tuticorin, Tuticorin.
- 4 The Returning Officer
Ward-53, Division 159
Corporation of Tuticorin, Tuticorin.
- 5 S.Muthuvel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent, the Election Officer / Commissioner Tuticorin, Corporation of Tuticorin, Tuticorin herein to count the ballot votes polled during the election and consequentially direct the 3rd respondent, the Election Officer / Commissioner Tuticorin Corporation, Corporation of Tuticorin to send the EVM.No.H28850 / of Booth No.159 (Male and Female) to a competent Forensic lab to find out the tampering of the same.



WEB COPY

For the Petitioner : Mr.C.D.Johnson

For the Respondents : Mr.S.Sivashanmugam
Standing Counsel
for 1st respondent

: Mr.R.Shunmugasundaram
Advocate General
assisted by
Mr.P.Muthukumar
State Government Pleader
for respondents 2 to 4

ORDER

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

The writ petition has been filed to seek a direction on the third respondent to count the ballot votes polled during the election and consequently, direct the third respondent to send the EVM No.H28850 of Booth No.159 (Male & Female) to the Forensic Lab to find out the tampering of the same and pass any other orders as this Court deems fit.

2. The writ petition is essentially in relation to the local body election and the prayer of the petitioner is to count the ballot votes polled during the election. The writ petition is not maintainable, in view of the bar existing under Article 243-ZG of the Constitution of India, as it is an election matter. According to the petitioner, the EVM machine is required to be sent to the Forensic Laboratory to find out the tampering. It needs determination of facts.

3. Taking the aforesaid into consideration and finding that the writ petition for counting of ballot votes is not maintainable, the same is dismissed. There will be no order as to costs. Consequently, W.M.P.No.5104 of 2022 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

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Chennai - 106.
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W.P.No.4972 of 2022

GJ(CO)
A.SK(14/03/2022)