

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.NO.17331 OF 2022
AND
W.M.P.NO.16664 OF 2022

Sakthivel

...Petitioner

Vs.

- 1.The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai-600 106.
- 2.The District Election Officer
cum-The District Collector,
Salem District.
- 3.The Returning Officer,
Thedavur Town Panchayat,
Thedavur Post,
Gangavalli Taluk,
Salem District.
- 4.Mr.Venkatesan,
Tahsildar, Gangavalli
As the Returning Officer,
Thedavur Town Panchayat,
Gangavalli Taluk,
Salem District.
- 5.The Deputy Superintendent of Police,
Attur, Salem District.
- 6.The Inspector of Police,
Gangavalli Police Station,
Salem District.
- 7.Mr.Velu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to conduct the enquiry about the mal-practice towards the counting of Ward No.11, Thedavur Town Panchayat, Gangavalli Taluk, Salem District and take action against the third and fourth respondents and other officials who are engaged in the counting of Ward No.11, and consequently to direct the first respondent to conduct re-counting to Ward No.11, Thedavur Town Panchayat, Gangavalli Taluk, Salem District, based on the petitioner's representation, dated 21.03.2022.

For petitioner : Mr.J.Hemakumar

For respondents : Mr.Sivashanmugam,
Standing Counsel for R-1

Mr.P.Muthukumar,
State Govt. Pleader,
assisted by
Mr.K.M.D.Muhilan,
Govt. Advocate for RR-2 to 6

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition is in reference to the result of the Election and said to have been filed only for the reason that the petitioner could not file an Election Petition within the period of limitation. The direction for re-counting after declaration of the results of the Election, cannot be granted by this Court while exercising jurisdiction under Article 226 of the Constitution of India, as for the aforesaid, it can be in an Election Petition to be maintained by the petitioner as per Article 243-ZG of the Constitution of India. Accordingly, we find that this Writ Petition is not maintainable, and the same is dismissed. There shall be no order as to costs. Consequently, W.M.P. is also dismissed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

To

- 1.The Secretary,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai-600 106.
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cum-The District Collector,
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Gangavalli Taluk, Salem District.
- 4.The Deputy Superintendent of Police,
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- 5.The Inspector of Police,
Gangavalli Police Station,
Salem District.
- 6.Mr.Venkatesan,
Tahsildar, Gangavalli
As the Returning Officer,
Thedavur Town Panchayat,
Gangavalli Taluk,
Salem District.

+1cc to the Government Pleader Sr.No.44977

W.P.No.17331 of 2022

SR-II (CO)
RVM(18/07/2022)