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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26149 of 2021
and W.M.P.No.27601 of 2021

S.Mala

...Petitioner

vs

- 1.Tamil Nadu Election Commission
No.208/2, Jawaharlal Nehru Road
Arumbakkam, Chennai - 600 106.
- 2.The District Election Officer /
The District Collector, Chengalpet District
Chengalpet - 603 001.
- 3.The Returning Officer / The Block Development
Officer, St.Thomas Mount Block
Chittalapakkam, Chennai 600 064.
- 4.The Commissioner of Police
Greater Chennai City, Vepery, Chennai.
- 5.The Assistant Commissioner of Police
Madipakkam Range, Madipakkam
Chennai - 600 091.
- 6.The Inspector of Police
S10, Pallikaranai Police Station
Medavakkam, Chennai - 600 100.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent dated 08.11.2021 and quash the same and direct the 3rd respondent to recount the votes in fair and just manner.

For the Petitioner : Mr.R.N.Amarnath
for Mr.K.S.Guruprasadh



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For the Respondents : Mr.S.Sivashanmugam
Standing Counsel - for R1

Mr.P.Muthukumar
State Government Pleader -
for R2 to R6

ORDER

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

The writ petition has been filed to seek a direction on the third respondent to recount the votes in the Medavakkam Village Panchayat election.

2. Any challenge to the election is not permissible in writ jurisdiction rather it can be adjudicated by filing an election petition. Thereby, we cannot entertain the writ petition and issue a direction as sought for by the petitioner as there is a bar under Article 2430 of the Constitution of India. Accordingly, the writ petition fails and it is dismissed. No costs. Consequently, W.M.P.No.27601 of 2021 is also dismissed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

KST

To:

- 1.Tamil Nadu Election Commission
No.208/2, Jawaharlal Nehru Road
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6.The Inspector of Police
S10, Pallikaranai Police Station
Medavakkam, Chennai - 600 100.

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+1cc to M/s.K.S.Guruprasath, Advocate Sr.No.9259

W.P.No.26149 of 2021

KSM(CO)
RVM(18/02/2022)