



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.Nos.771 & 775 of 2020
and
W.M.P.Nos.931 & 941 of 2020

K.Mala .. Petitioner in W.P.No.771 of 2020
S.Vennial .. Petitioner in W.P.No.775 of 2020
Vs.

- 1.The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai – 600 106.
- 2.The District Collector,
Office of the District Collector,
Salem District – 636 001.
- 3.The Election Officer /
Block Development Officer,
Nangavalli Panchayat Union,
Salem District – 636 501. .. 1st to 3rd Respondents in both WPs
- 4.R.Selvi .. 4th respondent in W.P.No.771 of 2020
- 5.Sumathi .. 4th respondent in W.P.No.775 of 2020

Prayer: Writ Petitions filed under Article 226 of the Constitution of India



praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order dated 02.01.2020 and to quash the same and to direct the 3rd respondent to conduct recounting of votes as per the mandatory provisions of Rule 66 of the Tamil Nadu Panchayat (Election) Rules, 1995.

For Petitioner	.. Mr.Praveennath Selvam, in both WPs.
For R1	.. Mr.S.Siva Shanmugam, Standing Counsel, in both WPs.
For R2 & R3	.. Mr.N.Naveen Kumar, Govt. Advocate, in both WPs.
For R4	.. Mr.I.Paranthaman in W.P.No.775 of 2020

ORDER

These Writ Petitions have been filed in the nature of a Certiorarified Mandamus, calling for the records of the 3rd respondent, Election Officer / Block Development Officer, Nangavalli Panchayat Union, Salem District, in connection with the impugned order dated 02.01.2020 and to quash the same and also direct the 3rd respondent to recount the votes as per the mandatory provisions of Rule 66 of the Tamil Nadu Panchayat (Election) Rules, 1995.



2.It is seen that the petitioners seek this Court to call for the records of the election conducted for the post of Union Ward Member and direct recounting of votes. Elections have been conducted under the provisions of the Tamil Nadu Panchayat Act, 1994 (hereinafter called as 'the Act'). Section 258 of the Act, falls under the category of disputes regarding election. Section 258 of the Act is very clear. It states that no election of President or Chairman or member shall be called in question except by an Election Petition presented before the District Judge of the district in which the panchayat is situated, within 15 days from the date of the publication of the result of the election under this Act.

3.Section 258(1) of the Act is as follows:

“258.Election Petitions:-

(1). No election of a President or a Chairman or a member shall be called in question except by an election petition presented to the District Judge of the district in which the Panchayat is situated, within fifteen days from the date of the publication of the result of the election under this Act.”

4.These Writ Petitions filed under Article 226 of the Constitution of



India are not maintainable. The Writ Petitioners should have filed a suit.

They should have filed the suit within 15 days of the date of publication of the result. The Writ Petitions are of the year 2020. This Court has no jurisdiction to examine the issues raised in the Writ Petitions. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

13.12.2024

Index:Yes/No
Internet:Yes/No
smv

To



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1.The District Collector,
Erode District.

2.The Assistant Returning Officer,
Panchayat President Election cum
Regional Deputy Block Development Officer,
Thookanayakkanpalayam,
Gobichettipalayam (TK),
Erode District.

C.V.KARTHIKEYAN,J.

smv



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W.P.Nos. 771 & 775 of 2020

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