



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM

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

W.P.No.1585 of 2020
and
W.M.P.No.1869 of 2020

K.Devi

.. Petitioner

Vs.

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.

3.Janaki

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned letter issued by the 2nd respondent dated 02.01.2020 and quash the same and further direct the respondents 1 and 2 to recount the votes polled for the post of Village President election at Kongarpalayam, held on 02.01.2020.



For Petitioner .. Mr.R.Rajendiran
For R1 & R2 .. Mr.N.Naveen Kumar, Govt. Advocate

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of a letter issued by the 2nd respondent, the Assistant Returning Officer, Panchayat President Election cum Regional Deputy Block Development Officer, Thookanayakkanpalayam, Gobichettipalayam Taluk, Erode District dated 02.01.2020 and to quash the same and also direct the 1st and 2nd respondents to recount the votes polled for the Village President election at Kongarpalayam held on 02.01.2020.

2.It is seen that the petitioner seeks this Court to call for the records of the election conducted for the post of Village President 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.

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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. The Writ Petition filed under Article 226 of the Constitution of India is not maintainable. The Writ Petitioner should have filed a suit. She should have filed the suit within 15 days of the date of publication of the result. The Writ Petition is of the year 2020. The Court has no jurisdiction to examine the issues raised in the Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

13.12.2024

Index: Yes/No
Internet: Yes/No
smv

C.V.KARTHIKEYAN,J.

smv



To
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