

26/03/2021
Item No.10.
Court No.1.
AB/SDE (t)

Through Video Conference

W.P.A. (P) 41 of 2021

**Shiv Shankar Thakur
Vs**

The State of West Bengal & Ors.

Mr. Harisankar Chattopadhyay
...for the Petitioner.

Mr. Dipayan Chowdhury ...for the Respdt. 3.

Mr. Kishore Dutta, Ld. AG,
Mr. Sayan Sinha ...for the State.

Ms. Sonal Sinha ...for the Respdt. 2.

We have heard learned Counsel for the petitioner, learned Counsel appearing for the Chief Electoral Officer, West Bengal being the third respondent and learned Advocate General for the State.

The petitioner is attempting to flag off his opinion as to certain modalities, which, according to him, would be conducive to smooth conduct of the election. He says that law and order situation has to be maintained in such a manner for which the route map is attempted to be spread out by him. He also flags off an issue relating to COVID-19 pandemic situation and related issues.

We are clear in our mind that once elections are declared, it is not necessary for us to run over the

Election Commission of India carrying different opinions. We say this because the Election Commission of India is a body in which confidence is reposed by the Nation through the Constitution of India and the statute laws. It is the prerogative of the Election Commission of India to manage the modality of election and to carry forward things which are integrally connected with the election process including the Election Commission having its continued gaze on different aspects particularly law and order and other attending factors, guidelines to be followed by people in the wake of the COVID-19 pandemic and restrictions to be imposed in the process of the electoral combat. These issues are to be regulated by the Election Commission of India. The maintenance of law and order is something over which the Election Commission of India will obviously have a look notwithstanding the police power of the State and the Union.

For the aforesaid reasons, we do not think that it would be appropriate for us now to load the Election Commission of India with further opinions as has now been attempted to be pointed out by the writ petitioner.

Accordingly, the writ petition stands dismissed.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)