

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8393 of 2021

Reeta Datta
Vs.
The Chief Electoral Officer & Ors.

Mr. Sankarsan Sarkar,
Mr. Avijit Mukherjee,
Mrs. Chandrani Das,
Mr. Tanmoy Sett
... For the petitioner.

Mr. Dipanyan Choudhury,
Mr. Suvradal Choudhury,,
Ms. Priyanka Choudhury
... For the State.

On 25th March, 2021, when the matter was taken up, it was submitted on behalf of the respondent no.1 that the whereabouts of the vehicle requisitioned for election duty was not known. The petitioner also did not correct this factual position which is now being corrected. The parties submit that only the documents pertaining to the Toyota Innova car with registration No.WB34AQ6774 have been retained by the District Election Officer and/or District Magistrate, Paschim Medinipur, being the respondent no.2 after serving the petitioner with a requisition notice dated 17th March, 2020. The vehicle is very much in the custody of the petitioner but the documents pertaining to the same which are necessary for plying the vehicle is lying with the

respondents. Considering the fact that the vehicle has not yet been taken in custody by the respondents in terms of the requisition order dated 12th March, 2021 and in the light of the judgments and order cited by the petitioner report in (2006) 4 CHN 207 (Anirban Ghosh vs. District Election Officer & Anr.) and the others dated 8th April, 2010 passed in MAT 379 of 2009 and that dated 22nd March, 2011 passed in AST No.110 of 2011 (Jyothy Laboratories Ltd. vs. The Chief Electoral Officer & Ors.), I find that the requisition of the petitioner's vehicle for the purpose of transport with the police personnel/officers and other persons for maintaining law and order for performing duties in connection with the general election of the West Bengal State Assembly, 2021, is impermissible and the same is set aside.

The petitioner and/or petitioner's authorized representative with valid authorization shall visit the office of the District Election Officer and District Magistrate, Paschim Medinipur, being the respondent no.2, on any day between 2nd April, 2021 and 5th April, 2021, for collecting the original documents which are lying in the custody of the respondent no.2. The respondents on being approached shall return the original papers to the petitioner and/or her authorized representative. The petitioner will be free to ply her vehicle in accordance

with law till she receives the original papers without the original papers since the same are lying in the custody of the respondent no.2. After the release of the original documents pertaining to the vehicle in question, the petitioner shall, however, operate the vehicle in accordance with law with all valid documents in her custody and shall be bound to produce the same as and when required by any competent authority.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)