

06/05/2021
Item No. 6.
Court No.1.
AB/S DE

W.P.A. (P) 123 of 2021

Bimal Kumar Chatterjee

Vs

Election Commission of India & Others

(Through Video Conference)

Mr. Dipayan Chowdhury, Advocate,
...for the Election Commission
of India present on virtual mode.

Mr. Y. J. Dastoor, Ld. ASG,
Mr. Phiroze Edulji, Advocate,
Ms. Amrita Pandey, Advocate,
...for the Union of India present on
physical mode.

The present petition was filed in this Court on April 13, 2021 when the Assembly Election in this State was in progress. The following reliefs have been sought for in this writ petition :

“ (a) Leave to dispense with Rule 26 of the Appellate Side Rules of the High Court at Calcutta;

(b) A writ of or in the nature of Mandamus directing the respondents including ECI and the State to ensure that no violence resulting in loss of lives and property may occur by preventing incitement, deterioration in the law and order situation.

(c) A Writ of or in the nature of Mandamus directing the Respondents including the ECI and State to ensure that the people attending the various political rallies/programs are not

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obstructed and or attacked in any manner whatsoever by preventing decline in rule of law and for preventing violence of any nature.

(d) A Writ of or in the nature of Mandamus directing the Respondent Political Parties and their executives and leaders to ensure that none of its workers/members indulge in violence or conduct inciting violence and to render active support to the respondent election commission of India.

(e) A Writ of or in the nature of Mandamus directing the Respondent State to act in complete co-ordination involving the state machinery along with the central forces and the respondent election commission or India to ensure free and fair elections in residual phases of the assembly election in West Bengal;

(f) A Writ of or in the nature of Mandamus on the ECI to effectively use its powers under Article 324 read with Sections 57, 131 and 134 of the Representation of People Act, 1951 [in terms of Para 24 of the instant Writ Application] to ensure free and fair elections in the upcoming phases the State of West Bengal by taking necessary actions, by holding the political parties and their executives/leaders directly and vicariously responsible for any violence and loss of lives due to their actions including incitement and instigating speeches of party functionaries and if required take bonds/undertaking from such political parties and their functionaries /workers/cadres to the effect that in case of loss of lives or violence material amounts of compensation shall be payable by the political parties and its cadres/workers/leaders if found

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responsible for such violence and loss of lives [in terms of Para 27 of the instant Writ Application];

g) A Writ of or in the nature of Mandamus directing the Respondent Election Commission of India/the Union of India and the State of West Bengal to file periodic reports vis-à-vis the prayers [a] to [f] as above;

(h) A Writ of or in the nature of Certiorari directing the Respondents herein, their men, agents, representatives, subordinates, staff to certify and transmit all records to their Hon'ble Court so that conscionable justice may be meted out in the instant case;"

Now, the process of election is over. Even the result has been declared. Hence, nothing survives for consideration in this writ petition at this stage.

Accordingly, this petition is dismissed as infructuous.

[Rajesh Bindal, C.J.(A)]

[Arijit Banerjee, J.]