

02.09.2021
Court No.1
Item No.17
AP/ss

WPA(P) 137 of 2021

Raj Kamal Singh

Vs.

Election Commission of India and Ors.

(Through Video Conference)

Mr. Dipayan Chaudhury, Advocate

... for the Election Commission
present on virtual mode.

The present petition has been filed in the course of
assembly election in the State of West Bengal on April 28,
2021 with the following prayers:-

*“a) A writ of or in the nature of
Mandamus do issue commanding the
respondents, particularly the respondent
Nos. 1 to 3 to disqualify the respondent
No.5 from contesting the ongoing election
from Jorasanko Assembly Constituency
under Section 8A of the said Act of 1951
for indulging in corrupt practices to
interfere with the electoral processes and
influence the outcome of the election;*

*b) A writ of or in the nature of
Mandamus do issue commanding the
respondents, particularly the respondent
Nos.1 to 3 to withhold the declaration of
the results of the election;*

*c) A writ of or in the nature of
Mandamus do issue commanding the
respondents, particularly the respondent
Nos.1 to 3 to put a complete ban the
respondent No.4 from publishing any
further articles in the said daily
newspaper with regard to the matters*

pertaining to the ongoing election in the said constituency and take actions against the respondent No.4 and every persons who are in control of the respondent No.4 and who are implicit in the furtherance corrupt practices to influence the outcome of the election in favour of the respondent No.5 as per the provisions of the said Act of 1951;

d) A writ of or in the nature of Prohibition do issue forbearing the respondent Nos.4 and 5 in indulging in further corrupt practices to interfere with the electoral processes and influence the outcome of the election in any manner whatsoever till the disposal of the instant writ petition;

e) A writ of or in the nature of Prohibition restraining the respondent No.4 from publishing further articles with regard to the election in the said constituency in the said daily newspaper till disposal of the instant writ petition;

f) A writ of or in the nature of Certiorari do issue commanding the respondents to certify and transmit to this Hon'ble Court the records of the impugned proceedings including the impugned publication of the purported article in the said daily newspaper on April 26, 2021 so that the same may be quashed and/or conscionable justice may be done to them;

g) Injunction restraining the respondents from publishing the results of the election of the said constituency till disposal of the instant writ petition;”

After filing the same it was not followed by the petitioner. As the assembly election had already been concluded, nothing survives in the present petition to be adjudicated upon at this stage.

The same is accordingly dismissed as infructuous.

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

[Rajarshi Bharadwaj, J.]