

13.09.2021

Item No. 9
Court No.1

W.P.A. (P) 239 of 2021

Rama Prasad Sarkar

Vs.

The Chief Election Commissioner & Ors.

(Through video conference)

Mr. Rama Prasad Sarkar, (Present in Court)

..petitioner-in -person

Mr. Kishore Datta, Learned Advocate General

Mr. Anirban Roy, Learned Government Pleader

Mr. Sayan Sinha, Advocate

..for the State present in Court

Mr. Dipanyan Chowdhury and

Mr. Sidhant Kumar, Advocates (Through VC)

.. for the E.C.I.

Mr. Sayan Ganguly, Advocate (Through VC)

.. for the Respondent

Mr. Sarkar learned Counsel appearing for the petitioner prays for a direction upon the Election Commission of India to declare the by-election of the (seven) Assembly seats in the State of West Bengal, which have remained vacant till date.

Mr. Sidhant Kumar, learned Counsel appears for the Election Commission of India and submits that the writ petition is premature as the last date of concluding by-elections of the 7 (seven) Assembly seats is on November 02, 2021 as specified under Section 151A of Representation of People's Act, 1951. He further submits that out of 7 (seven) Assembly seats which are vacant,

by-election has been declared in 3 (three) seats and notification has been issued for the same.

Heard both the parties and perused the petition as well as Section 151A of the Representation of People's Act, 1951.

As the last date for filling the vacancy for vacant seats is on November 02, 2021 and Election Commission of India has already issued notification for by-election of 3 (three) vacant seats, we dismiss this writ petition as premature and devoid any cause of action at this stage.

[Rajesh Bindal, C.J (A)]

[Rajarshi Bharadwaj, J.]