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10.03.2021
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WPA 7713 of 2020
IA No: CAN 1 of 2020

(Via video conference)

Sahidur Rahman and others
Vs.
Election Commission of India and
others

Mr. Puspall Chakraborty,
Miss. Prishanka Ganguly

... for the petitioners

Mr. Dipayan Choudhury,
Mr. Suhradall Choudhury,
Mr. Souma Bhattacharya,
Mrs. Priyanka Chowdhury

.... for the respondent nos.1, 2 and 4

The grievance of the petitioner is that, despite repeated complaints being lodged, the respondent no.4 has been sitting tight over the specific contentions raised by the petitioner as regards irregularities in the electoral roll and electoral map prepared in respect of certain Electoral Constituencies, inasmuch as the names of certain valid voters were left out and the Constituencies were not reflected appropriately in the

connected map. It is argued by learned counsel for the petitioner that, under Section 22 of the Representation of the People Act, 1950 (hereinafter referred to as “the 1950 Act”), the authorities are bound to give a hearing to the aggrieved party before taking a decision thereon.

Learned counsel appearing for the respondent nos.1, 2 and 4 submits, by placing reliance on a report filed in court today authored by the Sub-Divisional Officer, Baruipur, District: South 24 Parganas that the said Officer clearly indicated that no one has been “barred from casting their electoral rights” of the relevant part nos. 203 & 204 of 136-Joynagar AC.

The report filed in court today be kept on record.

It is, thus, submitted on behalf of the respondent-authorities that sufficient steps have already been taken with regard to the complaint of the petitioner.

However, it does not appear that the provisions of Section 22 of the 1950 Act were adhered to while taking such decision.

Accordingly, WPA 7713 of 2020 is disposed of by directing respondent no.4 to decide on the representation of the petitioner, being Annexure-P2 at page 67 of the present writ petition, upon giving an opportunity of hearing to the petitioner and, if deemed necessary by Respondent No. 4, to others affected by the decision, within a fortnight from date. The respondent no.4 shall communicate the decision immediately thereafter to the petitioner.

IA No: CAN 1 of 2020 is disposed of accordingly.

The parties are to act on the communication of the learned advocates appearing for the parties and/or urgent server copy of this order without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)