

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/4/2021

PRAVASH HAZRA
Versus
UNION OF INDIA & ORS.

BEFORE:

The Hon'ble CHIEF JUSTICE THOTTATHIL B. RADHAKRISHNAN
And
The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 5th March, 2021.

Appearance:

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Nilay Sengupta, Adv.
Mrs. Swati Agarwal, Adv.
... for petitioner

Mr. Dipayan Choudhury, Adv.
Mr. Suvradal Choudhury, Adv.
Mr. Souma Bhattacharya, Adv.
Mrs. Priyanka Chowdhury, Adv.
Mr. Rijit Chakraborty, Adv.
... for Election Commission of India

Ms. Sonal Sinha, Adv.
Ms. Joveria Sabbah, Adv.
...for State Election commission

The Court : This writ petition is instituted seeking a direction to the Election Commission of India and the authorities including the Chief Election Commissioner to ensure issuance of guidelines from time to time and to ensure

enforcement thereof. We have heard Mr.Bikash Ranjan Bhattacharya, learned Senior Counsel in support of the petition.

We have before us, Mr.Dipayan Choudhury representing the Election Commission of India. He has rightly pointed out that the cause title of the matter erroneously shows Union of India as the respondent No.1 and that Union of India is represented by the Chief Election Commissioner. We treat that only as a superfluous misnomer while drafting and presenting the writ petition and accordingly, the respondent No.1 shall be read as the Election Commission of India.

We had earlier decided a writ petition being WPA(P) NO.88 of 2021 on 1st March, 2021 (Bimal Kumar Chatterjee -vs- Election Commission of India & Ors). We have recorded the submissions of Election Commission of India that it will take care of all the aspects touching the proper conduct of election which has been declared.

That being so, the apprehension expressed by the petitioner and the plea to issue direction, as sought for in the writ petition, are all matters that would fall within the Election Commission of India's jurisdiction. It would be open to the Election Commission of India to issue such guidelines as may be necessary from time to time.

We are sure that the Election Commission of India will have comprehensive and cohesive control over the entire electoral process including by issuing

requisite guidelines from time to time and ensuring that the same are enforced to its satisfaction.

The writ petition is accordingly disposed of.

(THOTTATHIL B. RADHAKRISHNAN, CJ.)

(ARIJIT BANERJEE, J.)