

08.02.2022
Court No. 19
Item no.07
CP

WPA 2189 of 2022

Sri Deb Kamal Das
Vs.
The State of West Bengal & ors.

Mr. Samaresh Chandra Dhara

....for the petitioner.

The petitioner is aggrieved by the inaction of the Sub-Divisional Officer, Tamluk who is the Municipal Electorate Registration Officer. It is alleged that the second application of the petitioner for incorporating the name of the petitioner in the electoral rolls under Ward No. 14 of Tamluk Municipality, has not been disposed of.

It has been specifically averred in paragraph 8 of the writ petition that the first application made by the petitioner for incorporation of his name in the electoral rolls, had been rejected. Subsequently, the petitioner again filed another application for the selfsame purpose.

The West Bengal Municipal Elections (Registration of Electors) Rules, 1995 (hereinafter referred to as the said Rules), provide the mechanism and the procedure by which the name of a person can be incorporated in the electoral rolls. Rules 10 to Rules 21 of the said Rules provide the scheme and

the procedure to be followed both by the claimant and by the registration officer. Rule 22 of the said Rules provides that any decision of the registration officer shall be appealable before the District Municipal Election Officer. The said Rules also provide that a claimant who wants to include his or her name in the roll must file the claim within a period of 30 days from the date of publication of the roll in draft.

It does not appear from the writ petition whether the petitioner approached the concerned authorities within the time prescribed under the law and with all compliances under the law.

The pleadings and the averments in the writ petition are very cryptic and lacking in material particulars. The court does not find any reason as to why the petitioner instead of availing of the alternative statutory remedy of appeal should file the writ petition, going by his own admission that his application was once rejected.

The writ petition is disposed of. There shall be no order as to costs.

The petitioner is at liberty to pursue his remedy under the law.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)