

25.02.2022
Court No.13
Suppl.1
sp

WPA 3546 of 2022

Sudip Kushari

Vs.

The State of West Bengal & Ors.
(Through Video Conference)

Mr. Dilip Kumar Samanta,
Mr. Anup Dasgupta,
Mr. Gouranga Das,
Mr. Anindya Sundar Das,
Mr. Sankar Prasad Dalapati,
Mr. Subrata Sarkar,
Mr. Sourav Mondal,
Ms. Sharmistha Pal,
Mr. Somnath Bhattacharjee

... for the petitioner.

Mr. S.N. Mookherjee, ld. A.G.,
Mr. T.M. Siddiqui,
Mr. Raja Saha,
Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee

...for the State

Affidavit of service filed Court today is taken on
record.

The writ petitioner seeks to challenge an order of
the West Bengal State Election Commission dated
February 7, 2021. Pursuant to a joint meeting held
between the political parties, candidates were required to
nominate polling agent and relief agent, who would be
elector/voters from the 'Ward' under which the polling
station in question.

The petitioner submits that the said order is
outside the scope of Section 51 of the West Bengal
Municipal Elections Act, 1994 read with Rule 14 of the
West Bengal Municipality (Conduct of Elections) Rules,
1995.

This Court notes that the order was issued on
February 7, 2022 (typed 07.02.2021). In view of the

belated challenge to the said order, and that too three days before the elections, this Court is unable to interfere with the same at this stage.

The petitioner is required to appoint polling agent and relief agent, who is a voter from the 'Ward' in which the Police Station is located. Such polling agent and relief agent in view of the serious apprehension of threat and intimidation as expressed by the writ petitioner shall be given adequate security by the Officer-in-Charge, Chandrakona Police Station being respondent no.7.

With the aforesaid observations, the writ petition shall stand disposed of without any further order.

The names of the polling agent and relief agent shall be communicated to the Officer-in-Charge, Chandrakona Police Station by 7 pm today.

Since the petitioner also apprehends and expresses threat to himself, he shall be entitled to make a representation to the Superintendent of Police, Paschim Medinipur by 5 pm today. Based on the same, the Superintendent of Police, Paschim Medinipur shall consider and, if necessary, deploy appropriate security to the writ petitioner for the purpose of the aforesaid election.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

