

28.03.2022.
Item No. 18.
Court No.13
pk

CPAN 261 of 2022
CAN 1 of 2022
In
W.P.A. No. 5250 of 2022
(Through Video Conference)

Prasanta Majumder
Versus
Chaitali Chatterjee Das, District and Sessions
Judge, Alipore, South 24 Parganas

Mr. Subir Sanyal,
Mr. P. K. Drolia,
Mr. Lokenath Chatterjee,
Mr. S. Ghosh,
Mr. A. S. Das,
Mr. G. K. Das,
Mr. S. Mallick,
Mr. G. K. Dey

...For the petitioner.

Mr. Debabrata Saha Roy,
Mr. Neil Basu,
Mr. Rahul Kumar Singh
... for the Chief Election Commissioner,
Alipore Bar Association

Mr. Amitesh Banejee,
Mr. Subhabrata Datta,
Mr. Banibrata Datta.

...For the alleged contemnor.

Leave is granted to the Chief Election Commissioner of the Alipore Bar Association to file CAN 1 of 2022 in CPAN 261 of 2022.

CPAN 261 of 2022 has been filed alleging violation of the order of this Court dated 24.03.2022. It is submitted that despite specific directions, the District Judge has failed to install CCTV Cameras in the voting booth/areas. Instead, cameras have been installed outside the voting room.

The District Judge has submitted before this Court that the notice of this order was received at 8 p.m. in the evening. There is no hesitation in the mind of the Court to record that the same did not constitute compliance of the Court's order. It was clearly understood by the Chairman of the Alipore Bar Association, who was represented on 25.03.2022, that the installation of CCTV Cameras was for the purpose of ensuring free and fair elections.

The Court orders that in future all elections of the Alipore Court would be held with the CCTV Cameras inside the voting rooms, while keeping the voting booths in appropriate privacy. Due advance publication of voters' list shall be made at least one month prior to the elections. No person outside the voters' list shall be allowed to cast vote.

The District Judge has assured this Court that the CCTV Cameras have been installed in the counting rooms. The normal process of counting of votes with representatives of the concerned candidates shall be followed.

In view of the above, and given the short notice with which the writ petition and the contempt application was moved, and in the peculiar facts and circumstances of the case, this Court vacates the interim order dated 25.03.2022 and directs votes to be counted and the results to be declared.

With the aforesaid observations, CPAN 261 of 2022 and CAN 1 of 2022 are disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)