

S/L. 24.
August 18, 2022.
MNS.

WPA No. 18726 of 2022

Manoj Kumar Dutta
Vs.
West Bengal State Election Commission
and others

Mr. Sabyasachi Chatterjee,
Mr. Sayan Banerjee,
Mr. Badrul Karim

... for the petitioner.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee

...for the State.

Ms. Sonal Sinha

...for the Election Commission.

Affidavit-of-service filed in Court today be kept
on record.

Mr. Sabyasachi Chatterjee, learned counsel
appearing for the petitioner, submits that in view of
the misdeed and violence perpetrated in the last
election and in recent times in the state, the Election
Commission should ensure that CCTV surveillance
is enforced in the upcoming West Bengal Municipal
Corporation bye election for Ward No. 6, Asansol
Municipal Corporation.

Learned counsel places reliance on the averments made in the writ petition to substantiate his submission.

However, at the outset, learned counsel appearing for the West Bengal State Election Commission, apart from contending that since the election process has commenced, the Election Commission has exclusive jurisdiction in the matter, also hands over a copy of a written communication between the West Bengal State Election Commission and the District Municipal Election Officer and District Magistrate, North 24 Parganas/Paschim Bardhaman, which clearly shows that CCTV surveillance arrangements in the polling stations on poll day during the hours of poll and during re-poll, if any, have already been categorically directed by the State Election Commission.

Although the petitioner has placed reliance on a judgment rendered by a Division Bench of this court in *Mousumi Roy Vs. West Bengal State Election Commission and others* dated February 23, 2022 (WPA (P) 271 of 2021), the same was passed in a different context and in connection with a Public Interest Litigation.

In the present writ petition, no public interest but personal cause of action has been sought to be

espoused by the petitioner. Thus, such a general blanket observation in respect of installation of CCTV cameras as passed by the Division Bench in the Public Interest Litigation cannot be a determinant in deciding the present matter.

In any event, since the Election Commission itself has contended that CCTV installations in the polling stations have already been made, there is no need to interfere in the present matter.

Hence, WPA 18726 of 2022 is disposed of in the light of the above observations, keeping the written communication filed by learned counsel for the West Bengal State Election Commission on record.

A copy of the document handed over in Court today is also served here and now on the learned Advocate appearing for the petitioner.

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.)