

6.9.2022

ks
sl. 31

WPA 19650 of 2022

Shyam Sundar Halder & Ors.
Vs
The State of West Bengal & Ors.

Mr. Saptangshu Basu,
Mr. Aninda Bose,
Mr. C. Chatterjee,
Mr. D. Mondal

... For the Petitioners.

Mr. Srijan Nayak,
Ms. Rituparna Maitra

... For the Respondent Nos.2.

Mr. P.K Ray,
Mr. Partha Sarathi Pal,
Mr. Biplab Das

... For the State.

Mr. Siddhartha Banerjee,
Mr. Avinaba Patra,
Mr. Dipaya Kundu

... For the Respondent Nos. 4-7.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioners have challenged the inaction on the part of the respondent, Chairman Co-operative Election Commission in considering and disposing the petitioners' representation dated 24th August, 2022 being Annexure P-10 to the writ petition and their earlier representation dated 5th August, 2022 being Annexure P-5 to the writ petition. This Court in exercise of Constitutional writ jurisdiction under Article 226 of the Constitution of India cannot go into the genuineness of the names of the voters' list or any fault or defect in the voters' list because these allegations require investigation, which is to be done

by the office of the Co-operative Election Commission and as such I am not inclined to grant any relief in this writ petition except directing the respondent, Chairman Co-operative Election Commission to consider and dispose of the petitioners' aforesaid representation dated 24th August, 2022 by 9th September, 2022 in accordance with law by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioners or their authorised representative and any further election process will depend upon the final outcome of the said representation and the order to be passed on the aforesaid representation.

It is clarified that since this order is passed in presence of the learned Advocates representing the petitioners and as such no formal notice of hearing to the petitioners is required to be given.

With the consent of the parties, the hearing before the Chairman, Co-operative Election Commission or other authority delegated by him is fixed on 8th September, 2022 at 2-00 p.m.

It is further clarified that this Court has not gone into the merits of the writ petition and the respondents authority concerned will take decision on the aforesaid representation dated 24th August, 2022 on its own merits and the parties will be at liberty to urge all the

points raised in this writ petition before the authority concerned at the time of hearing.

With these observations and directions, this writ petition being WPA 19650 of 2022 is disposed of.

(Md. Nizamuddin, J.)