

S/L 26
21.12.2022
Court. No. 19
GB

W.P.A. 28035 of 2022

Safiqul Islam
VS
The State of West Bengal & Ors.

Mr. Chittaranjan Chakraborty,
Mr. Dipjyoti Chakraborty,
Mr. Sumit Banerjee

...for the Petitioner.

Mr. Jahar Lal De,
Mr. Supratim Dhar

...for the State.

Ms. Sonal Sinha

...for the State Election Commission.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges that the District Panchayat Election Officer, Malda failed and neglected to consider the objection raised by the petitioner dated December 7, 2022 in terms of Sub-Rule 3 of Rule 23 of the West Bengal Panchayat Election Rules, 2006. He submits that after the draft order showing the reservation and delimitation of the constituencies had been published in Form-A, the petitioner filed an objection in terms of Sub-Rule 2 of Rule 23 of the West Bengal Panchayat Election Rules, 2006. The said objection is still pending.

Mr. De, learned advocate appearing on behalf of the prescribed authority submits that the objection was filed after almost 2 months from the publication of the draft order and as such, the concerned authority was not required to consider such objection.

The draft order was published on October 19, 2022 and the objection was filed on December 7, 2022 which is beyond the prescribed period of 15 days.

Ms. Sinha, learned advocate for the State Election Commission reiterates the submission made by Mr. De.

Under such circumstances, the writ petition is disposed of with a direction upon the District Panchayat Election Officer, Malda to intimate the petitioner as to whether the said objection can be considered or not. If the authority decides that the belated objection can be considered and the final order has not been passed, then the same shall be decided in accordance with law. However, if the authority finds that the law does not empower him to extend the period prescribed or the situation has reversed due to lapse of time and the consideration could not be made, necessary orders in this regard shall be passed and informed to the petitioner.

The entire exercise shall be completed within a period of four weeks from the date of communication of this order.

Accordingly, the writ petition is disposed of .

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)