

09.02.2022
Court No. 38
d.g.

WPA 353 of 2022

Malay Banerjee
Vs.
State of West Bengal & Ors.
(In the Circuit Bench At Jalpaiguri)

Mr. Kamalesh Jha,
Mr. Debshish Mukhopadhyay,
Ms. Jeenia Rudra,
Ms. Salini Dey.

..For the petitioner.

Mr. Anirban Roy, Ld. G.P.
Mr. Raja Saha,
Mr. Nilotpal Chatterjee.

...For the State.

In view of the urgency pleaded on behalf of the petitioner, the matter has been taken up for hearing. In this application the petitioner seeks to contest the subject election as an Independent candidate. It is submitted on behalf of the petitioner that on 8th February, 2022 when the petitioner had attempted to file his nomination, he was prevented from filing such nomination because of illegalities and unfair practice of the respondents.

The Government Pleader is present. It is submitted on behalf of the State that, in view of the direction dated 25th November, 2021 issued by the West Bengal State Election Commission, the petitioner is at liberty to file his nomination and only 2 (two) persons (including candidate) would be allowed within a

periphery of 100 meters of the Returning Officer's nomination venue.

In view of the submissions made on behalf of the State, WPA 353 of 2022 is disposed of by directing that, the petitioner be permitted to file his nomination subject only 2 (two) persons (including the candidate) being allowed within a periphery of 100 meters of the Returning Officer's nomination.

All other terms and conditions, in the direction dated 25th November, 2021 shall be complied with by the petitioner including following the Covid Protocol.

The Government Pleader of the State of West Bengal and Mr. Raja Saha, Advocate are requested to ensure that this order is forthwith communicated to all the concerned representatives of respondents.

(Ravi Krishan Kapur, J.)