

04.04.2023

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WPA (P) 139 of 2023
Jahangir Alam and Ors.
Vs.
Union of India & Ors.

Mr. Dibyendu Chatterjee,
Mr. Salauddin Ahamed,
Mr. Sandipan Maity ... for the petitioners.

Mr. Anuran Samanta ... for respondent nos.1 to 3.

Mr. Shuvro Prakash Lahiri,
Mr. Rajesh Naskar,
Mr. Md. Jannat Ul Firdous,
Ms. Tithi Mazumder
... for respondent nos.11 to 14, 16 and 17.

1. The petitioners by way of this public interest litigation seek for issuance of a writ of mandamus to consider their written complaint alleging that private respondents herein are under-aged and their names cannot be included in the electoral roll.

2. Admittedly, the election process has commenced on and after the issuance of the notification for election. The grievance of the writ petitioners is that the date of birth of the private respondents given in the order passed by the Block Development Officer, Bharatpur – I Development Block dated 17th February, 2023 is different from the date of birth in the AADHAR Card of the private

respondents and one such AADHAR card has been enclosed along with the writ petition.

3. In our view, since the election process has already started, the same cannot be interdicted. However, if the law permits, the petitioners can very well approach the Election Commission, which has been impleaded as the 3rd respondent by way of a representation, which can be directed to be considered in accordance with law.

4. In the light of the above, the writ petition stands disposed of by directing the writ petitioners to submit a representation to the 3rd respondent along with all the documents and a copy of this order within three days from the date of receipt of the server copy of this order and on receipt of the said representation, the 3rd respondent shall verify the records and after issuance of notice to the private respondents, shall pass a reasoned order on merits and in accordance with law, if the law permits to do so.

5. Since strict timelines are fixed for alteration of the electoral rolls, the 3rd respondent shall enquire into the matter after giving an opportunity of hearing to all the parties and examine all the documents that the parties may produce and then take a decision in accordance with law.

6. There shall be no order as to costs.

7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)