

Item No.6

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.06.2023
Ct-24

WPA 12528 of 2023
Md. Noor Ahsan Noor

v.

The State of West Bengal & Ors.

Mr. S.P. Lahiri
Md. Habibur Rahman
Mr. Rajesh Naskar
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

The petitioner seeks for a direction upon the State Election Commission to consider his prayer for shifting the polling booth.

It appears that prayer of the petitioner for shifting stood rejected consequent to a proceeding conducted upon instruction of the District Panchayat & Rural Development Officer, Uttar Dinajpur dated April 24, 2023 by the order of the Additional District Magistrate (Panchayat), Uttar Dinajpur on May 2, 2023. The said rejection was upon hearing the submissions made on behalf of all the parties.

According to the petitioner the Additional District Magistrate is not the competent authority to take a decision in the matter.

I have heard the submissions made on behalf of the parties.

Without going into the merits of the impugned order of rejection of the petitioner for shifting the polling booth, leave is granted to the petitioner to file appropriate representation before the State Election Commissioner highlighting his grievances. The said representation may be filed online by 28.06.2023 with a copy to Ms. Sonal Sinha, learned advocate representing the State Election Commission in Court.

The State Election Commissioner shall take a decision in the matter at the earliest but positively by June 30, 2023 without being influenced by the impugned order of rejection.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)