

26.06.2023
Item No.20
RP/AN
Ct. No.1

**W.P.A.(P) 294 OF 2023
With
IA No.CAN 1 of 2023**

**JAHIDUL SK. & ORS.
VS
THE COMMISSIONER WEST BENGAL STATE
ELECTION COMMISSION & ORS.**

Ms. Salma S. Shah
Mr. Sami Hossain
.....for petitioners

Ms. Sonal Sinha
Mr. Avishek Prasad
... For State Election Commission

Mr. Gangadhar Das
.... For Pradhan

Mr. Tanmoy Chattopadhyay
.... For the applicants in CAN 1 of 2023

1. By way of this Public Interest Litigation the petitioners seek for relocating the polling station in a particular area on the ground that the present location chosen is inconvenient and it does not have the basic facilities, such as toilet facilities for men and women and it is 50 meters away from the office of the political party. The petitioners had approached this Court on an earlier occasion by filing a Public Interest Litigation, being WPA(P) 193 of 2023, which was disposed of by order dated 25.04.2023 directing the 2nd respondent therein to consider their

representation. However, on the very same date the 3rd respondent herein has passed an order stating that there is no ground to accept the petition.

2. Learned advocate appearing for the petitioners submits that the petitioners in their representation given to the State Election Commission as well as the District Election Officer and the Pradhan of the village Panchayat have been pointed out that the building of Madhyamik Shikha Kendra is a bigger premises and very much spacious and caters only one polling station of 1280 voters and as such the polling station could very well be shifted to the said premises without any hindrance to any other polling area/constituency and request has been made by the petitioners to consider their representation. Further, it is pointed out that at the present location there is an office of the political party situated at a distance of 50 meters which is in violation of the guidelines.

3. Learned advocate appearing for the State Election Commission submits that more or less an identical plea was raised in a writ petition filed before the learned Single Bench and the matter stands relegated to the State Election Commission for consideration.

4. In the light of the above, this writ petition is **disposed of** by directing the representation of the petitioners dated 10.04.2023 to be considered by the

Commissioner of the West Bengal State Election Commission in addition to other representations, which have been received by the Commission after taking note of the specific averments made by the petitioners in the representation dated 10.04.2023. The petitioners are directed to forward a copy of the representation along with additional documents as well as a copy of this order to the State Election Commission not later than 28.06.2023 and the representation shall be considered by the State Election Commission as expeditiously as possible, preferably within a period of three days from receipt of the representation.

5. In this writ petition an application, being CAN 1 of 2023, has been filed by twelve persons, who have also made a similar representation. The State Election Commission shall also consider the representation of the applicants. Accordingly, CAN 1 of 2023 stands allowed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)