

20.06.2023
(D/L-05)
Ct.-24
(Susanta)

W.P.A. 14495 of 2023

Md. Mominul Islam
-Vs-

The West Bengal State Election Commissioner & Ors.

Mr. S. Chakraborty,
Mr. Sumitava Chakraborty,
Mr. Aditya Mondal,
Mr. Deeptangsu Kar,
.... For the Petitioner.

Ms. Sonal Sinha,
Mr. Sayan Datta,
Mr. Sujit Gupta,
Mr. Soumen Chatterjee,
.... For the State Election Commission.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.,
Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Mousumi Hazra,
Ms. Payel Shome,
Ms. Sampriiti Saha,
Mr. Aritra Bhattacharya,
.... For the Respondent No.8.

Mr. Sirsanya Bandopadhyay,
Ld. Junior Standing Counsel.
Mr. Arka Kmar Nag,
.... For the State.

The grievance of the petitioner is that the Returning Officer accepted the nomination of the candidates beyond the time limit prescribed in the Act and in a notification published by the West Bengal State Election Commission in relation to the General Panchayat Election, 2023.

The petitioner claims to have made representation before the concerned Officer and

prays for a direction for consideration of the same.

The prayer of the petitioner is opposed by the learned advocate representing the State respondents, private respondents and the State Election Commission.

Learned Senior advocate representing the private respondents submits that the provisions laid down in the Act are required to be considered in an ideal situation. Presently, the situation is such that deployment of paramilitary forces is required for conducting the Panchayat Election smoothly.

It has been submitted that according to the provisions of law, the Returning Officer has the power and authority to scrutinize the nominations and take a decision in the matter.

Learned advocate representing the State respondents have obtained instruction that nominations which were filed and accepted beyond the prescribed time limit have already been rejected.

Provisions of the Panchayat Elections Act, 2003 have been placed in Court. It has been submitted that the act of the authority in improper acceptance of nominations may be adjudicated by filing Election Petition in accordance with the provisions of the Act.

From the above submission of all the parties it appears that the authority has already taken a decision in response to the objections filed in respect of the nominations which were filed beyond the prescribed time period.

In the event the petitioner is aggrieved by any further act of the authority in accepting the nominations beyond the prescribed time period, it will be open for the petitioner to approach the appropriate forum in accordance with law, if so advised.

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.

(Amrita Sinha, J.)