

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

W.P.A. 14581 of 2023

Amit Roy
-Vs-
The State of West Bengal & Ors.

Mr. Samim Ahamed,
Mr. Arka Maiti,
Ms. Gulsanwara Pervin,
.... For the Petitioner.

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

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

The petitioner claims to be the son of Ashok Roy who intends to participate in the ensuing Panchayat Elections, 2023. The specific case made out by the petitioner is that his father was brutally assaulted and was prevented from filing his nomination. The intensity of the assault was such that the father of the petitioner had to be hospitalized along with six other persons. Repeated requests and complaints filed before the police, Block Development Officer and the other respondent authorities did not yield any result.

It has been submitted that the Block Development Officer was intimated via WhatsApp

message regarding obstruction made at the time of filing nomination.

It has been submitted that the initial obstruction was made on 12th June 2023 and again on 15th June 2023 when step was taken for submission of the nomination papers.

Prayer has been made before this Court to direct the Commission to consider the difficulty faced by the candidate in filing the nomination and to permit the candidate to file the nomination to contest the election.

From the notification published by the State Election Commission dated 9th June 2023 it appears that the last date for filing the nomination was 15th June 2023.

The son of the intending candidate has averred that efforts were taken to file the nomination on 12th June and thereafter again on 15th June .

According to the provisions of the West Bengal Panchayat Elections Act, 2003, if the State Election Commission, on receipt of complaints from intending candidates or the recognized political parties, either from or through the District Panchayat Election Officer or its own machinery or any other agency, is satisfied that there is reasonable apprehension of prevention of, or obstruction to, the intending

candidates from making nominations at the place or before the authority, the Commission may, by order, issue a direction to the Panchayat Returning Officer appointed for any Block, to depute one Assistant Panchayat Returning Officer at the office of the Sub-Divisional Officer having jurisdiction, for receiving nomination papers within the specified date and hour.

Learned advocate for the petitioner submits that complaint was duly filed before the police as well as the Block Development Officer. Prayer has been made for directing the Commission to act in accordance with the provision of Section 46(2) of the Act of 2003.

From the notification published by the State Election Commission it appears that the date for scrutiny of nomination is over and today is the last date for withdrawal of the nomination.

As the petitioner claims to have forwarded the representation along with nomination papers before the machinery of the Commission, accordingly, the Commission is directed to take a decision with regard to the representation filed through the Block Development Officer on 15th June 2023.

The Commission shall take a decision in the matter at the earliest and in the event it appears that the father of the petitioner was prevented

from filing the nomination, then necessary steps shall be taken by the Commission to redress the grievance of the intending candidate.

A decision shall be taken in the matter at the earliest.

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.)