

21-06-2023
Item No.SL 2
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.14650 of 2023

Pradip Das

-vs-

The West Bengal Sate Election Commission & Ors.

Mr. Rajdeep Rai
Mr. Pratip Chatterjee
Mr. Mrityunjoy Chatterjee
Ms. Sumitra Bhattacharya
Mr. Masud Mullick
Mr. Atis Kumar Biswas
Mr. Anwar ali
Ms. Manidipta Mondal ...for the petitioner

Ms. Sonal Sinha
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. S. Chatterjee ...for State Election Commission

Mr. Sirsanya Bandyopadhyay
Mr. A.K. Nag ...for the State

The petitioner is aggrieved by the act on the part of the State Election Commission in not taking steps to consider the objection filed by him against one Hindol Roychowdhury, the eighth respondent in this writ petition, who filed his nomination to contest the upcoming panchayat elections to be held in 2023.

Specific contention of the petitioner is that the said Hindol Roychowdhury has resorted to malpractice for contesting the said elections.

Hindol Roychowdhury got his name enlisted in two lists published by the Election Commission – one in the panchayat area and the other in a municipal area.

The petitioner has annexed the voters' list in support of his submission.

Prayer has been made seeking for a direction upon the State Election Commission to consider the objection filed by the petitioner.

Learned advocates representing the respondents raise an issue with regard to the maintainability of the writ petition. It has been submitted that the dispute in question may be treated as a dispute as to elections and an election petition may be maintainable. The writ court ought not to entertain the writ petition at this stage.

It appears from the submissions made on behalf of all the respective parties and upon perusal of the documents on record that the last date for filing nomination, date of scrutiny and the date of withdrawal of the nominations are all over. The final list of candidates eligible to contest the election has also been published by the Commission. At this stage it will not be proper for the Court to direct the Commission to rescrutinize the documents.

There is provision in the West Bengal Panchayat Elections Act, 2003 to raise the issue at an appropriate stage and before the appropriate forum.

It will be open for the petitioner to ventilate his grievances at the appropriate stage before the appropriate forum in accordance with law, if so advised.

The writ petition stands disposed of.

No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

