

Ct. 24
Item No.03(SL)
27.06.2023
(Suvendu)

WPA 14870 OF 2023

Aniruddha Mukherjee
Vs.
The Election Commissioner of West Bengal
Election Commission & Ors.

Mr. Soumik Ganguly
Ms. Shaila Arfin
Mr. Rafat Jahan
Md. Yusuf Ali

...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....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 is prevented from contesting the Panchayat General Election, 2023 from the seat of his choice as his name does not appear in the Electoral Roll of the said constituency.

The petitioner submits that an application dated 3rd December, 2022 for changing his address was already before the Commission. The cut-off date for adoption of the Electoral Roll for the ensuing Panchayat General Election was fixed on 1st January, 2023. As the address of the petitioner was yet to be transferred pursuant to his application and Electoral

Roll did not contain his name, accordingly, the petitioner is not in a position to contest the election from the seat of his choice.

The allegation of the petitioner that the application of the petitioner ought to have been considered and disposed of within a period of thirty days from the date of application is a separate issue altogether. The same cannot be a ground to direct the Commission to permit the petitioner to file nomination from a constituency where his name is not incorporated in the Electoral Roll.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)