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23.06.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14911 of 2023

**Rabiul Islam
-versus
The West Bengal State Election
Commission and Ors.**

**Mr. Raju Mondal.
...For the Petitioner.**

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

The petitioner is aggrieved by the inaction on the part of the Panchayat Returning Officer to take consequential steps in response to the complaint lodged by the petitioner for cancellation of nomination of one Sha Alam Sarkar being the respondent no.4 herein in the present writ petition.

At the time of filing the nomination, the details of the criminal cases are required to be disclosed in the nomination form.

Allegation of the petitioner is that the aforesaid private respondent is implicated in several criminal cases. The private respondent did not disclose any details of the criminal case in which he is involved.

Further allegation of the petitioner is that the nomination form is required to be signed by one proposer and two witnesses.

The nomination filed by the private respondent though discloses the address of the witnesses but neither the signature nor the names of the witnesses are mentioned.

It has been submitted that false information has been provided by the private respondent at the time of filing the nomination.

The contention of the petitioner is that at the time of scrutiny the nomination of the private respondent ought to have been rejected on account of non-disclosure of relevant facts. That not being done, an objection has been filed before the competent authority which is pending consideration.

The respondent no. 4 could not be served as the matter is being taken up on urgent basis.

The State Election Commission is represented before this Court.

Keeping the writ petition pending will not serve any purpose.

Accordingly, the present writ petition is disposed of by directing the State Election Commissioner to take a decision on the objection filed by the petitioner, if required, upon affording an opportunity of hearing to all the necessary parties for disclosure of relevant details.

A decision shall be taken in the matter at the earliest, but positively by 27th June, 2023.

Learned advocate appearing for the petitioner is directed to forward a copy of the objection addressed to the State Election Commissioner along with the relevant documents in support of his claim to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)