

Item No.9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.06.2023
Ct-24

WPA 14974 of 2023
Susanta Paul

v.

The West Bengal State Election Commission & Ors.

Mr. Krishna Raj Thakkar
Mr. Siddhartha Chatterjee
Mr. Abir Lal Ghosh
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

Mr. Tanmoy Ghosh
Mr. Jayanta Kumar Das
Ms. Madhumanti Das
... for the respondent no. 7.

The petitioner seeks cancellation of the candidature of the private respondent who is contesting the Panchayat General Elections, 2023.

According to the petitioner, the private respondent is an existing contractor with the Gram Panchayat and accordingly he is ineligible to contest the election.

The petitioner relies upon a communication allegedly made by the Pradhan of the Gram Panchayat on June 18, 2023. The petitioner refers to a notice

inviting tender being No. 06 dated December 24, 2020 and the connected work order issued on January 20, 2021.

Learned advocate representing the private respondent has produced a communication from the Pradhan of the Gram Panchayat that there is no existing contract between the Gram Panchayat and the private respondent. The said communication is dated June 26, 2023 wherein she has mentioned that she is not aware of any communication addressed to the petitioner on June 18, 2023.

The private respondent specifically contends that there is no existing contract between the Gram Panchayat and the private respondent subsisting on the date the elections were declared.

Learned advocate representing the State respondents submits that the petitioner filed his nomination for contesting the election but thereafter withdrew the same.

From the work order it appears that the time schedule for completion of the work was thirty days from the date of its issue.

Going by the time schedule mentioned in the work order dated January 20, 2021, the contract ought to have been over by February 2021.

The petitioner contends that till late 2023 the contract is yet to be over.

There are disputed questions of facts involved herein.

As the petitioner is challenging the candidature of the private respondent, accordingly, it will be open for the petitioner to initiate appropriate proceeding in accordance with law for redressal of his grievances, if so advised.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

The communication made by the Pradhan of the Gram Panchayat to the private respondent on June 26, 2023 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)