

Item No.12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

27.06.2023
Ct-24

WPA 15008 of 2023
Rahim Sekh & Ors.

v.

The West Bengal State Election Commission & Ors.

Mr. Pratip Chatterjee
... 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 petitioners have filed the present writ petition seeking for a direction upon the State Election Commission to permit them to contest the Panchayat General Elections, 2023 on the basis of the nomination papers filed by them.

Learned advocate representing the petitioners submits, upon instruction that, none of the petitioners withdrew their nominations. The petitioners are interested to contest the elections.

Learned advocates representing the State respondents and the Election Commission have obtained instruction from the respondents that the nominations of the petitioners were withdrawn by their proposers.

Learned advocate representing the Commission has produced the original documents in connection with all the three writ petitioners.

It appears therefrom that in respect of the petitioner no. 1 Rahim Sekh there is an undated letter allegedly written by Rahim Sekh wherein it has been mentioned that due to his ill health he is not willing to contest the election. The said letter was allegedly submitted through his proposer.

Similar letters submitted through the proposer of the candidate seeking withdrawal of nomination alleging ill-health have been produced in respect of the petitioner nos. 2 and 3.

Learned advocate representing the petitioners specifically submits that the aforesaid letters were not written by the petitioners.

As the learned advocate representing the petitioners specifically contends before the Court that none of the petitioners withdrew their nominations and none of the petitioners authorized their proposers to withdraw nominations on behalf of the petitioners, accordingly, the Court directs the State Election Commission to take a decision on the basis of the documents available on record and upon granting an opportunity of hearing to the petitioners.

The Election Commissioner shall permit the petitioners to be accompanied by their legal representatives at the time of hearing.

A decision shall be taken in the matter at the earliest but positively by June 30, 2023.

Let photocopy of the documents produced in Court by the learned advocate representing the Commission be retained with the records.

The original documents are, however, returned to Mr. Sonal Sinha, learned advocate representing the Commission.

Parties to act on the basis of the server copy of the order duly downloaded from the official website of the Court.

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.

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(Amrita Sinha, J.)