

SL 01
30.06.2023
d.p.

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

W.P.A 15382 of 2023

**Bharatiya Janata Party
-versus
The State of West Bengal & Ors.**

**Mr. Nilanjan Bhattacharjee,
Mr. Ajit Kumar Mishra,
Mr. Abhishek Dey,
Mr. Bhism Pratap Singh.
...For the Petitioner.**

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

**Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag.
...For the State.**

The Bharatiya Janata Party, Domjur Mandal III has filed the instant writ petition alleging arbitrary action on the part of the Commission to deal with the complaint lodged by the petitioner before the said authority.

On a perusal of the writ petition it appears that the same has been affirmed by one Ram Krishna Senety claiming to be the authorized representative of the petitioner.

The vakalatnama has been signed by Ram Krishna Senety describing himself to be the convenor of the Bharatiya Janata Party.

The registered political party that is the Bharatiya Janata Party is not the petitioner herein.

The candidates, against whom allegations have been made, have not been impleaded as parties in the writ petition.

Upon detection of such technical errors, the petitioner makes a prayer for withdrawal of the writ petition with liberty to file a fresh petition on the selfsame cause of action.

The said prayer is opposed by the learned advocate appearing for the State respondents.

On a perusal of the averments made in the writ petition and upon hearing the submissions made on behalf of the parties, it appears that the writ petition is a defective and misconceived one. The Court does not intend to enter into the merits of the same.

The writ petition, accordingly, stands dismissed.

Leave granted to file fresh petition on the selfsame cause of action upon proper and better particulars.

The instruction given by the BDO, Bally Jagacha dated 30th June, 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.

(Amrita Sinha, J.)