

Supp 2
Ct No24
AGM

30.06
2023

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

WPA 15396 of 2023

Ustor Ali Biswas

Vs

**The Commissioner, The West Bengal State
Election Commission & Ors.**

Mr. Robiul Islam

Mr. Raju Mondal

... for the Petitioner.

Ms. Sonal Sinha

Mr. Tarun Kr. 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 petitioner is aggrieved by the inaction on the part of the Panchayat Returning Officer in taking steps to consider and dispose of the objection filed by the petitioner seeking cancellation of the candidature of the private respondent on the allegation that the private respondent did not disclose all his details in the nomination form.

Specific contention is that there are criminal cases pending against the private respondent. The private respondent did not disclose the details of the said criminal cases.

An objection was filed before the BDO, Karimpore II Development Block on 20th June, 2023.

The same is yet to be disposed of.

It appears from the cause title of the writ petition that the BDO, Karimpore II has not been impleaded as party respondent in the instant writ petition. Due to inadvertence, the BDO of Raninagar-II Block has been impleaded.

Leave is granted to the learned advocate of the petitioner to rectify the description of the respondent no. 3 in the cause title of the petition.

Without going into the merits of the allegation of the petitioner, the instant writ petition is disposed of by directing the Commission to re-scrutinize the nomination papers of the respondent nos. 4 and 5 by treating the writ petition as the affidavit of the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the writ petition along with all annexures to the Commission for taking a decision in this matter.

A decision shall be arrived at the earliest but positively by 5th of July, 2023.

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.

(Amrita Sinha, J.)

