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05.07.2023
d.p.

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

W.P.A 15594 of 2023

**Dipti Haldar
-versus
The State of West Bengal Ors.**

**Ms. Susmita Saha Dutta,
Mr. Asim Hati,
Ms. Nandini Sharma,
Ms. Madhurima Basu.
...For the Petitioner.**

**Ms. Sonal Sinha,
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 present writ petition has been filed by the widow of a validly nominated candidate who filed his nomination for contesting the Panchayat General Elections, 2023.

The validly nominated candidate Subhagya Halder expired on 16th June, 2023 immediately after the last date of filing the nominations but prior to the scrutiny of the nominations.

The petitioner submits that as the validly nominated candidate expired and his death was reported before the publication of the final list of

contesting candidates, accordingly, the provision of Section 63 of the West Bengal Panchayat Elections Act, 2003 will be applicable in the facts and circumstances of the present case.

Learned advocate appearing for the respondents admits that the name of the husband of the petitioner appeared as a validly nominated candidate and the fact of his death was duly reported.

From the submissions made on behalf of both the parties, it appears that in the present case the contesting candidate expired after filing his nomination papers but prior to the scrutiny being conducted and there was no scope for him to withdraw his nomination.

Accordingly, the provision of Section 63 of the said Act which mentions that, the Panchayat Returning Officer shall, upon being satisfied of the fact of the death of the candidate, announce countermanding of the poll and report the fact to the Commission and also to the District Panchayat Election Officer concerned and all proceedings with reference to the election shall be commenced a new in all respect as if for a new election, shall apply.

The respondent no. 2 being the Panchayat Returning Officer is hereby directed to act in accordance with the aforesaid provision.

All steps taken in connection with the seat from where the deceased Soubhagya Halder was contesting shall be countermanded and shall be commenced afresh in all respects as if for a new election.

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.)