

05.07.2023

Item No.8

Ct. No.1

PG/KS

W.P.A.(P) 337 of 2023

Adhir Ranjan Chowdhury

Versus

The West Bengal State Election Commission & Ors.

Mr. Pratip Kumar Chatterjee

Mr. Mrityunjay Chakraborty

.....for the Petitioner

Ms. Sonal Sinha

Mr. Sujit Gupta

Mr. Sayan Datta

Mr. Soumen Chatterjee

.....for the State Election Commission

1. We have heard the learned advocates for the parties.
2. The petitioner seeks for a direction upon the State Election Commission to conduct election in more than one phase and also for a direction upon to the police force to secure the safety and security of each of the candidates of all political parties and independent candidates during the election campaigning till the counting of votes.
3. So far as the first prayer is concerned, the same cannot be granted as the Court cannot interdict the election process and issue any direction to conduct the election process in more than one phase. Therefore, the first prayer is rejected.

4. So far as the second prayer for providing safety and security, already orders have been passed, which is admitted by the writ petitioner himself and in fact, in the writ petition the order passed in W.P.A.(P) 250 of 2023 etc. dated 13th June, 2023 and the order in W.P.A.(P) 301 of 2023 dated 15th June, 2023 have been annexed.
5. Thus, the petitioner, who is an elected member of Parliament from Berhampore constituency is fully aware of the various orders passed by this Court and, in fact, the writ petitioner himself was a party to the earlier round of litigations.
6. Therefore, at this juncture, the present writ petition is held to be not maintainable.
7. Therefore, the writ petition is dismissed as not maintainable.
8. However, this will not prejudice the petitioner from intervening in any pending proceedings, if he is able to make out a case for being heard out in such matters.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)