

Item No.4(SL)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

05.07.2023
Ct-24

WPA 15898 of 2023

Ajita Roy

v.

The Commissioner, West Bengal State Election
Commission & Ors.

Mr. Raju Mondal

... for the petitioner.

Ms. Sonal Sinha

Mr. Sujit Gupta

Mr. Sayan Datta

Mr. Soumen Chatterjee

... for the State Election Commission.

Mr. Lalit Mohan Mahata

Mr. Rudranil De

... for the State.

The petitioner and the private respondent are rival candidates and both are contesting the Panchayat General Elections, 2023.

Allegation of the petitioner is that the private respondent furnished incomplete information in the declaration form submitted by him at the time of filing the nomination papers.

The petitioner alleges that there are several criminal cases pending against the private respondent but none of the cases have been disclosed in the declaration form. Complete address of the proposer of the private respondent is also not mentioned in the nomination papers.

An objection was raised by the petitioner on June 27, 2023. Allegation is that the same has not been considered till date.

According to the directive passed in the order of the State Election Commission being No. 1802-SEC/6D-8/2008 dated May 27, 2022 if a rival candidate furnishes information to the contrary by means of a duly sworn affidavit, then such affidavit is required to be disseminated along with the declaration of the candidate.

Each candidate is required to furnish all information in the declaration to be filed along with the nomination and the said information is required to be uploaded in the official website of the Commission and copies thereof be made freely available to all candidates.

In the present case, it has been alleged that the private respondent did not disclose complete information.

It was for the petitioner to file an affidavit disclosing the above. The same has not been done.

It is noticed that the final list of the prospective candidates has been published by the Commission long back and at this stage there is hardly any chance to re-scrutinize the same.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner to approach the appropriate forum for relief, if so advised.

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.)