

SL 06
18.07.2023
AGM

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

W.P.A 16638 of 2023

**Mst. Merina Khatun
-versus
The State of West Bengal & Ors.**

**Mr. Partha Sarathi Das
Mr. Sk. Saifuddin
Ms. Shanta Sarkar
Mr. Debajyoti De
...For the Petitioner.**

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

**Mr. Lalit Mohan Mahata.
Mr. Ziaul Haque
...For the State.**

The petitioner participated in the Panchayat General Elections, 2023.

Referring to Form 18, the ballot paper account dated 8th July, 2023 signed by the Presiding Officer, the petitioner points out that the ballot paper received by the Presiding Officer is 1060 and the ballot paper used at the polling station is 944. Unused ballot papers are 116. Form 18 specifically mentions that none of the ballot papers were cancelled and there are no tendered ballot papers.

According to the petitioner at the time of counting 17 ballot papers were rejected. The petitioner lost by one vote.

It has been submitted that as it is specifically recorded in Form 18 that none of the ballot papers were cancelled, accordingly, it was not proper to reject 17 ballot papers.

A complaint was lodged before the Panchayat Returning Officer on 12th July, 2023. The same is yet to be considered and disposed.

Without going into the merits of the allegation of the petitioner, as it appears that a representation is pending consideration before the Panchayat Returning Officer being the Block Development Officer, accordingly, the instant writ petition is disposed of by directing the respondent no. 7 being the Block Development Officer, Manickchak to consider and dispose of the representation filed by the petitioner in accordance with law at the earliest but positively by 7th August, 2023.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 12th July, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)