

Item No.14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.09.2023
Ct-24

WPA 16719 of 2023
Arati Das & Ors.

v.

The Secretary of West Bengal Election Commission &
Ors.

Mr. Sabyasachi Chatterjee
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Sandipan Das
Mr. Subhrajit Saha
... for the petitioners.

Ms. Sonal Sinha
Mr. Tarun Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

Mr. Arka Kumar Nag
... for the State.

Mr. Sovan Mukherjee
... for UOI.

Mr. Anuran Samanta
... for the respondent no. 3.

Exception filed by the petitioners to the report filed by the Block Development Officer, Baruipur-1 is taken on record.

It appears that the number of votes secured by the candidate as reflected in the GEMS portal annexed with the supplementary affidavit filed by the writ petitioners and the number of votes secured by the candidates as mentioned in Form 19A and Form 21 are diametrically opposite.

In the GEMS portal it was mentioned that Kausalya Halder secured 549 votes whereas Rakhi Halder secured 434 votes.

In the counting sheet it was recorded that Kausalya Halder secured 432 votes in the ballot box and 0 (zero) vote in the election duty i.e. total 432 votes and Rakhi Halder secured 549 votes in the ballot box and 2 election duty votes, totaling to, 551 votes.

The petitioners allege that the result of the election has been manipulated.

It appears from the submissions made on behalf of the parties that the allegation of manipulation of result cannot be decided in the instant writ petition. Evidence is required to adjudicate the same. It may be the subject matter of an election petition.

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

The writ petition stands dismissed.

It will be open for the petitioners to approach the appropriate forum, if permissible in law, for redressal of their grievances.

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.)