

SL 27
18.07.2023
AGM

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

W.P.A 16792 of 2023

**Jasminara Khatun
-versus
The Secretary of West Bengal Election Commission
& Ors.**

**Mr. Sarthak Burman
...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 Mahato
Mr. Ziaul Haque
...For the State.
Mr. Anuran Samanta
... For the respondent no. 3.**

The petitioner contested the Panchayat General Elections, 2023.

Form 18 has been referred to in support of the submission that 944 votes were polled on the date of the election.

According to the petitioner, 125 ballot papers were cancelled because they were not signed by the Presiding Officer. The petitioner prays for investigation to be conducted.

From the submission made on behalf of the petitioner, the Court cannot be convinced that the 125 ballot papers which were found to be not signed by the

Presiding Officer was actually issued by the Presiding Officer at the time of the election. The same can be ascertained on taking evidence only if an election petition is filed.

In view of the above, no relief can be granted in the instant case.

The writ petition stands dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner from filing election petition before the appropriate forum for redressal of his grievances, if so advised.

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

(Amrita Sinha, J.)