

Item No.32

18.07.2023
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16800 of 2023

Purab Sam

v.

The State of West Bengal & Ors.

Mr. Sukanta Chakraborty

Mr. Anindya Halder

Mr. Zubair Ahmed

...For the petitioner.

Ms. Sonal Sinha

Mr. Tarun Kumar Chatterjee

Mr. Sujit Gupta

Mr. Sayan Dattta

Mr. Soumen Chatterjee

... for the State Election Commission.

Mr. Amal Kumar Sen, Ld.AGP

Mr. Lal Mohan Basu

... for the State.

The petitioner contested the Panchayat General Elections, 2023. He alleges severe illegalities on the date of the polls as well as on the date of counting. Complaint was lodged before the State Election Commission on July 11, 2023 followed by reminder on July 13, 2023. The petitioner alleges that none has been considered till date.

Learned advocate representing the State respondents has obtained instruction from the Sub-Inspector of Police, Officer-in-Charge, Khandaghosh Police Station signed on July 17, 2023 wherein it has been mentioned that as per the Commission's order, one entire company of CAPF was deployed in the whole counting venue. Neither the petitioner nor his counting

agent intimated the police with regard to the allegation of assault.

The allegation of the petitioner regarding coercively driving him out from the counting venue was not reported to the concerned police station by the Panchayat Returning Officer or by the Observer.

From the instruction forwarded by the police it appears that there was no complaint before the police and, accordingly, the police could not take steps in the matter.

It appears that a complaint was lodged before the Commission. Whether the Commission intimated the same to the police authorities or not cannot be ascertained as of now.

In view of the above, the State Election Commission is directed to consider the representation filed by the petitioner in accordance with law at the earliest but positively by August 3, 2023.

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

The learned advocate of the petitioner is directed to forward a copy of the representation filed before the respondent authorities at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

Sh.

(Amrita Sinha, J.)