

Item No.25

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.08.2023
Ct-24

WPA 16946 of 2023
Roushanara Begum Mondal
v.
West Bengal State Election Commission & Ors.

Mr. Robiul Islam
Mr. Raju Mondal
... for the petitioner.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
... for the State.

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

Report in the form of affidavit signed by the Sub-Divisional Officer, Tehatta Sub-Division is taken on record. On a perusal of the averments made in the writ petition and the averments made in the report it appears that on the day of counting, the petitioner did not have any grievance. Her counting agent did not file any objection on the day of the counting.

The petitioner claims to have found several used ballot papers in a bush and thereafter she lodged complaint before the police. The genuinity of the polled ballot papers which the petitioner claims to have found in a bush are required to be verified. The verification cannot be done by the writ Court in the instant proceeding.

It will be open for the petitioner to approach the appropriate forum for relief.

The respondents are directed to properly preserve the CCTV/Video footages and the ballot papers and produce the same as and when directed.

The original ballot papers which are presently in the custody of the learned Registrar General are directed to be returned to the learned advocate for the petitioner.

The petitioner is directed to immediately cause submission of the said ballot papers in the concerned police station and the police is directed to seize the said documents upon issuing proper seizure list.

It will be open for the petitioner to seek condonation of delay in approaching the competent Court.

The writ petition stands disposed of.

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.)