

Item No.12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24
BP

WPA 16977 of 2023

Sumitra Mandal (Sarkar)
v.
The State Election Commission & Ors.

Mr. Tanmoy Chattopadhyay
..for the petitioner

Mr. Santanu Kumar Mitra
Ms. Rama Halder
..for the State

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

The petitioner seeks recounting of votes. It appears from the result of initial counting and the proceedings of counting for gram panchayat as annexed to the report filed by the Panchayat Returning Officer that the discrepancy in the number of ballot papers found in the ballot box and those mentioned in the Form 18 was reconciled.

Learned advocate representing the Panchayat Returning Officer fails to show that the discrepancy was actually reconciled as mentioned.

In view of the above, the entire matter is referred to the State Election Commission for taking a decision

with regard to the discrepancy which was found by the respondent authorities.

A decision shall be taken in the matter at the earliest but positively within a period of four weeks from the date of communication of this order.

The State Election Commission shall afford an opportunity of hearing to all the necessary parties prior to passing a final order in the matter.

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.

(Amrita Sinha, J.)