

Dd **55 31.07.2023**

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16983 of 2023

Shri. Malay Mandal
Vs.
The State of West Bengal & Ors.

Mr. Lokenath Chatterjee,
Mr. Rahul Sarkar,
Ms. Dipika Sarkar,
Ms. Tatini Sengupta,
Mr. Siddhant Srivastave, Advocates
... ... For the Petitioner

Mr. Amitava Chowdhuri,
Ms. Rituparna Ghosh,
Mr. N. Roy, Advocates
... ... For the State

Mr. Tarun Kr. Chatterjee,
Mr. Sujit Gupta,
Mr. Sayan Datta,
Mr. Soumen Chatterjee, Advocates
... ...For the SEC

Mr. Lalit Kr. Mahata, AGP
Mr. Jagabandhu Roy, Advocates
... ... For the Returning Officer

The petitioner contested the Panchayat General Election, 2023. He raises several allegations as regards the irregularities on the date of counting.

The petitioner submits that his counting agents were mercilessly beaten and thrown out of the counting centre. There was severe violence and the petitioner was threatened and prevented from lodging any complaint before the police. Ultimately a complaint was

sent through post on 14th July, 2023. The petitioner alleges that the same is yet to be considered.

Learned advocate representing the State respondents submits, upon instruction that, the counting agents of the petitioner were all along present on the date of counting. The candidate lost by a huge margin.

Upon hearing the submissions made on behalf of all the parties it appears that the objection was not raised on the day of counting or immediately thereafter. The same was lodged long after the declaration of result.

Accordingly, there is no scope to direct the respondent authorities to take a decision with regard to the prayer made by the petitioner seeking recounting.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner to approach the appropriate forum with an election petition for redressal of his grievances, if so advised.

The respondent authorities are directed to properly preserve the CCTV/video footages and the ballot papers in respect of the said constituency and to produce the same as and when directed.

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

(Amrita Sinha, J.)