

SL 54
21.07.2023
AGM

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

W.P.A 16992 of 2023

**Shagufta Naaz & Ors.
-versus
The State of West Bengal & Ors.**

**Ms. Sayanti Sengupta
...For the Petitioners.**

**Mr. Sirsanya Bandopadhyay
...For the State.**

The petitioners contested the Panchayat General Elections, 2023.

Their allegations are of booth capturing, false votes, malpractice, violence and obstruction on the date of poll. Complaint was lodged before the Block Development Officer and the police on the same day. None has been answered till date.

Learned advocate representing the State respondents raises objection with regard to the maintainability of the writ petition after such a long delay.

It has been submitted that the cause of action arose on the date of poll, that is, 8th July, 2023 and result was declared on 11th July, 2023. The petitioners waited till the 18th of July, 2023 for filing the writ petition.

In reply to the aforesaid submission, learned advocate representing the petitioners submits that complaint was lodged on the date of the incident and the petitioners waited for the respondent authorities to

take a decision on the complaint lodged. As there was no response from the end of the respondents, the petitioners were compelled to approach the Court for relief.

Without going into the merits of the allegations of the petitioners, as it appears that a representation is pending consideration before the State Election Commission, accordingly, the instant writ petition is disposed of by directing State Election Commission to consider and dispose of the representation filed by the petitioner in accordance with law at the earliest but positively within a period of ten days from the date of communication of this order.

A reasoned order shall be passed and communicated to the petitioner no. 1 immediately thereafter.

The CCTV/Video footages and the ballot papers in respect of the concerned constituency shall be properly preserved and be produced before the Court as and when directed.

Learned advocate for the petitioners is directed to forward a copy of the representation seeking consideration along with all supporting documents to the aforesaid respondent at the time of communicating the order of the 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.

(Amrita Sinha, J.)