

Item No.20

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

24.07.2023  
Ct-24

**WPA 17007 of 2023**

**Nur Aksa Bibi & Ors.**

**v.**

**The State of West Bengal & Ors.**

**Mr. Dibyendu Chatterjee**

**Mr. Pritam Majumder**

**Mr. S. Ghosh**

**...For the petitioners.**

**Mr. Santanu Mitra**

**Ms. Rama Halder**

**... For the State.**

**Ms. Sonal Sinha**

**Mr. Tarun Kumar Chatterjee**

**Mr. Sujit Gupta**

**Mr. Sayan Datta**

**Mr. Soumen Chatterjee**

**... for the State Election Commission.**

The petitioners contested the Panchayat General Elections, 2023.

They allege violence, booth capturing and several other illegalities on the date of the poll. FIR was lodged before the police. Complaint was also lodged before the Commission.

The petitioners allege that the observers of booth numbers 140, 141, 142 and 153 took a decision for re-poll but the re-poll was cancelled at the instance of the ruling dispensation.

The petitioners seek re-poll.

Learned advocate representing the State respondents opposes the submissions and allegations made on behalf of the petitioners.

It has been submitted that all necessary steps were taken by the concerned respondent authorities including post-poll scrutiny, notices were issued and as no adverse report was found, accordingly, decision to conduct re-poll could not be taken.

It appears from the submissions made on behalf of both the parties that there are several disputed questions of fact involved. Evidence is required to be taken to ascertain the genuinity of the grievances of the parties. The same cannot be done in the instant writ petition.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the appropriate forum by way of an election petition in accordance with law, for redressal of their grievances, if so advised.

The Panchayat Returning Officer is directed to properly preserve the CCTV/Video footages and the ballot papers and produce the same as and when directed.

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

Sh.

**(Amrita Sinha, J.)**