

SL 12
25.07.2023
AGM

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

W.P.A 17009 of 2023

**Susmita Das
-versus
The State of West Bengal & Ors.**

**Mr. Shanit Sanyal
Ms. Priyakshi Banerjee
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay
...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 petitioner contested the Panchayat General Elections, 2023 and lost by 18 votes.

The petitioner submits that 18 ballot papers were cancelled at the time of counting. The agent of the petitioner lodged complaint before the concerned officer for recounting but the petitioner's counting agent was forcefully removed from the booth and the complaint was not considered.

A further complaint was lodged before the District Magistrate seeking recounting. The same is yet to be disposed of.

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 immediately thereafter.

The CCTV/Video footages and the ballot papers shall be perused for arriving at a decision in the matter and the same shall be properly preserved and be produced before the Court as and when directed.

The writ petition stands disposed of.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 14th July, 2023 seeking consideration along with all supporting documents and evidences to the aforesaid respondent at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)