

SL 14
28.07.2023
AGM

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

W.P.A 17078 of 2023

**Prahlad Mandal
-versus
The State of West Bengal & Ors.**

**Mr. Ibrahim Shaikh
Ms. Benazir Shaikh
...For the Petitioner.**

**Mr. Lalit Mohan Mahato
Mr. Ziaul Haque
...For the State.**

**Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
...For the Election Commission.**

The petitioner contested the Panchayat General Elections, 2023 and lost by fifteen votes.

He alleges that there were several ballot papers without the signature of the Presiding Officer but all the ballot papers were counted as valid. The petitioner sought to raise objection at the time of counting but the same was refused to be accepted by the Panchayat Returning Officer.

Complaint could be lodged via e-mail to the Election Commission on 13th July, 2023. The same is yet to be disposed of.

Learned advocate representing the respondents submits that such type of complaints ought to have

been lodged on the day and at the time of counting the votes.

Any complaint filed at a delayed date cannot be accepted.

It has been submitted that election petition is the only remedy in the instant case.

Without going into the merits of the allegations of the petitioner, 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 in respect of the concerned constituency shall be properly preserved and be produced before the Court as and when directed.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 13th July, 2023 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.)