

Item No.39

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

24.07.2023
Ct-24

WPA 17095 of 2023
Phamida Khatoon (Nazam)
v.
The State of West Bengal & Ors.

Mr. Asfak Ahammed
...For the petitioner.

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... For the State.

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

Ms. Sabita Roy
... for the respondent nos. 6 & 7.

Md. N. Rahber
Mr. M. Jawood
... for the private respondent.

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

Allegation is that there were several illegalities at the time of counting of votes. Complaint was sought to be lodged before the Block Development Officer & Panchayat Returning Officer but he refused to accept the complaint. Lastly, complaint could be served through e-mail on July 15, 2023. The same is yet to be considered.

From the submission made on behalf of the petitioner and the documents annexed to the writ petition there is nothing on record to suggest that the complaint was sought to be lodged on the date of counting.

The proof of service of the complaint is of July 15, 2023. The same is long after the counting process ended.

In view of the above, no relief can be granted to the petitioner 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 petitioner to approach the appropriate forum by way of an election petition in accordance with law, for redressal of her grievances, if so advised.

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

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

Sh.

(Amrita Sinha, J.)