

Item No.59

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

26.07.2023
Ct-24

WPA 17212 of 2023

Jahim Saikh

v.

**The Secretary of West Bengal Election Commission &
Ors.**

**Mr. Sunny Nandy
Mr. Nurnobi Seikh
Mr. Imtiaz Kabir
Mr. Subha Pathak**

...For the petitioner.

**Mr. Amal Kumar Sen, Ld. AGP.
Mr. Jaladhi Das**

... 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. He alleges several illegalities and irregularities at the time of poll and at the time of counting.

From the documents annexed to the writ petition it appears that complaint was lodged before the respondents only on July 15, 2023 i.e. long after the date of declaration of the results.

As it appears that the petitioner failed to lodge complaint immediately after the illegality took place, accordingly, the Court refrains from exercising jurisdiction in the matter.

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 his 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.

Report filed by the Bhagawangola Police Station is taken on record.

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

Sh.

(Amrita Sinha, J.)