

Item No.21

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

28.07.2023
Ct-24

WPA 17230 of 2023

Sbarnalata Mahata & Ors.

v.

The State of West Bengal & Ors.

Mr. Tanmay Basu

Mr. Arun Shaw

Mr. Subhadip Paraamanik

...For the petitioners.

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.

The petitioners allege discrepancy in the number of ballot papers found in the ballot box and the number of ballots counted.

It has been submitted that ninety nine ballot papers were initially held to be cancelled for want of signature of the Presiding Officer but later on the said ballot papers were held to be valid votes.

The petitioners allege that the same has been done only for the aid of the ruling dispensation.

Complaint was sought to be lodged before the respondent authority on July 12, 2023 but as the

respondent authority refused to accept hand service the same was sent through post on July 13, 2023.

It has been submitted that the candidates are from very remote place of Purulia and they are under constant fear of life threat.

Without going into the merits of the allegation made in the complaint filed by the petitioners, the instant writ petition is disposed of by directing State Election Commission to consider and dispose the complaint filed by the petitioners at the earliest, but positively within a period of ten days from the date of communication of a copy of this order.

A reasoned order shall be passed and communicated to the petitioners immediately thereafter.

The learned advocate for the petitioners is directed to forward a copy of the complaint dated July 12, 2023 to the State Election Commission at the time of communicating the order of the Court.

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.

The writ petition stands disposed of.

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

Sh.

(Amrita Sinha, J.)