

Item No.62

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

26.07.2023
Ct-24

WPA 17221 of 2023

Dilwar Hussain & Anr.

v.

The State of West Bengal & Ors.

Mr. Samim Ahammed

Mr. Arka Maiti

Ms. Gulsanwara Pervin

Ms. Saloni Bhattacharyya

Mr. Arka Ranjan Bhattacharyya

...For the petitioners.

Mr. Santanu Kumar Mitra

Mr. Amartya Pal

... 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 petitioners contested the Panchayat General Elections, 2023.

The petitioners complain of rigging, violence, booth capturing and several other illegalities on the date of the poll. Fresh re-poll was sought for by filing objections.

After the declaration of result the prayer for re-poll was reiterated by filing representation before the Panchayat Returning Officer clearly mentioning that the

ballot papers which were counted did not bear the seal and signature of the Presiding Officer. The signature of the agents of the political parties was also not obtained.

None of the objections was considered.

Learned advocate representing the State respondents submits, upon instruction that, post-poll scrutiny was conducted and there was no adverse report found. The Presiding Officer did not lodge any complaint before the Panchayat Returning Officer. The signature of the agents of the contesting candidates was duly obtained.

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 complaints dated July 8, 2023 and July 14, 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.)