

Item No.22

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

28.07.2023
Ct-24

WPA 17233 of 2023

Md. Amanatullah

v.

The State of West Bengal & Ors.

Mr. Zubair Ahmed

Mr. Mazhar Hossain Chowdhury

...For the petitioner.

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. His allegation is that approximately 145 votes which were tendered in favour of the petitioner stood cancelled on account of non-signature of the Presiding Officer in the reverse.

It has been submitted that the votes were validly tendered by the electors but for the deliberate act on the part of the Presiding Officer in not signing the ballot papers, the same has been held to be cancelled.

A complaint was lodged before the Returning Officer on July 13, 2023. The same is yet to be considered.

Without going into the merits of the allegation made in the complaint filed by the petitioner, the instant

writ petition is disposed of by directing Block Development Officer to consider and dispose the complaint filed by the petitioner 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 petitioner immediately thereafter.

The learned advocate for the petitioner is directed to forward a copy of the complaint dated July 13, 2023 to the Block Development Officer 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.)