

31.07.2023
Item No. 61
Crt. No.24.
KB

W.P.A. 17276 of 2023

**Lakhimoni Mahato @ Laxmimani Mahato
Vs.
The West Bengal State Election Commission & Ors.**

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar
... For the petitioner.

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 and lost by 23 votes.

Allegation is that Form 18 mentions about 1109 ballot papers found in the ballot box whereas at the time of counting only 1073 votes were counted. There is mismatch of 36 votes.

The petitioner lodged complaint before the Commission and alleges that the same has not been taken up for consideration till date.

Without going into the merits of the allegation made in the complaint filed by the petitioner, as it appears that a representation was filed before the respondent authorities highlighting the grievance of the petitioner which is pending for consideration.

Accordingly, the instant writ petition is disposed of by directing the Commission to consider and dispose of the representation filed by the petitioner in accordance with law at the earliest, but positively within a period of ten days from the date of communication of this order.

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

The learned advocate for the petitioner is directed to forward a copy of the representation sent through e-mail on 17th July, 2023 to the aforesaid respondent at the time of communication of the order of the Court.

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

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)