

SL 103
31.07.2023
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17360 of 2023

**Smt. Biva Majumder
-versus
The State of West Bengal & Ors.**

**Mr. Lokenath Chatterjee
Mr. Rahul Sarkar
Ms. Dipika Sarkar
Mr. Siddhant Srivastava
Ms. Tatini Sengupta
...For the Petitioner.**

**Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
...For the Election Commission.**

**Mr. Lalit Mohan Mahato
Mr. Ziaul Haque
... For the State.**

The petitioner contested the Panchayat General Elections, 2023.

She raises allegation of violence on the date of poll. Complaint was lodged before the Officer-in-Charge, Bagdah P.S. on 8th of July, 2023.

The petitioner alleges that the same has not been taken up for consideration till date. A complaint was thereafter forwarded to the Election Commission on 16th July, 2023. The same is yet to be considered.

The complaint before the Election Commission appears to have been lodged long after the date of the incident and also after declaration of the result.

The petitioner ought to have lodged immediate complaint before the Panchayat Returning Officer and the Commission. The representation before the aforesaid authorities was lodged long thereafter.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

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 for redressal of her grievances, if so advised.

The CCTV/Video footages and the ballot papers in respect of the concerned constituency shall be properly preserved and be produced before the Court as and when directed.

It will however be open for the Officer-in-Charge, Bagdah P.S. to take necessary steps in response to the complaint lodged by the petitioner on 8th July, 2023.

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

(Amrita Sinha, J.)