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02.08.2023
d.p.

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

W.P.A 17388 of 2023

**Krishna Pada Malakar
-versus
The State of West Bengal & Ors.**

**Mr. Suman Chattopadhyay,
Mr. Lokenath Chatterjee,
Mr. Rahul Sarkar,
Ms. Dipika Sarkar,
Mr. Siddhant Srivastava,
Ms. Sabita Roy.
...For the Petitioner.**

**Ms. Sonal Sinha,
Mr. Tarun Kumar Chatterjee,
Mr. Sujit Gupta,
Mr. Sayan Datta,
Mr. Soumen Chatterjee,
Ms. Rituparna Saha.
...For the State Election Commission.**

**Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.
...For the State.**

The petitioner contested the Panchayat General Elections, 2023.

Reference has been made to Form 18 wherefrom it appears that 645 ballot papers were found in the ballot box and 50 unused ballot papers with the signature of the Presiding Officer was available.

The petitioner relies upon the result published by the Commission in the official website and submits that total 688 ballot papers were counted.

There is discrepancy with regard to the ballot papers found in the ballot box and the ballot papers counted.

The petitioner alleges that the 50 signed unused ballot papers were mis-utilized for manipulating the result of the election.

Complaint was lodged before the Commission on 16th July, 2023 with a prayer for re-poll. The same is yet to be considered.

It appears from the submissions made on behalf of the parties and upon perusal of the documents annexed to the writ petition that the complaint was lodged long after the declaration of the result.

Accordingly, the prayer of the petitioner for consideration of the complaint cannot be accepted.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner from approaching the appropriate forum by way of election petition, for redressal of her grievances, if so advised.

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.

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

(Amrita Sinha, J.)