

09
04.08.2023
d.p.

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

W.P.A 17414 of 2023

**Gopi Bhuimali
-versus
The Secretary of West Bengal
Election Commission & Ors.**

**Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Sayan Das,
Mr. Subhrajit Saha,
Mr. Badrul Karim,
Mr. Omar Faruk Gazi,
Mr. Kiron Sk.,
Mr. Dipankar Das,
Ms. Indrani Roy,
Ms. Anindita Chatterjee
Mr. Suman Sarkar.
...For the Petitioner.**

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

**Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque.
...For the State.**

**Mr. Anuran Samanta.
...For the Respondent No.3.**

The petitioner contested the Panchayat General Elections, 2023 and lost by 16 votes.

An objection seeking recounting was lodged by the petitioner on the day of counting before the District Magistrate on the information allegedly received from the counting officer that fifty ballot papers were missing.

The prayer of the petitioner has not been considered.

It appears that the result of the election was declared on 11th July, 2023.

In the instant writ petition, neither the Presiding Officer nor the counting officer or the returned candidate have been impleaded as party respondents.

Any order passed in the instant matter may prejudice the aforesaid persons. Moreover, to ascertain the allegation made by the petitioner, evidence is required to be taken.

The writ Court will be the appropriate forum to decide the issue.

In view of the above, 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.)