

20
04.08.2023
AGM

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

W.P.A 17472 of 2023

**Apurba Sarkar
-versus
The West Bengal State
Election Commission & Ors.**

**Mr. Md. Harun All Rashid,
Mr. Azizul Islam.
...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. Amal Kumar Sen.
Mr. Jaladhi Das
...For the State.**

**Mr. Partha Sarathi Bhattacharyya,
Mr. Tanweer Jamil Mondal,
Mr. Raju Bhattacharyya,
Ms. Somashee Dey,
Ms. Tuhina Parvin.
...For the Respondent No.8.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner contested the Panchayat General Elections, 2023. He alleges rigging, booth capturing, bombing, firing and several other illegalities on the day of poll.

The petitioner was mercilessly beaten and thrown out of the polling station.

Complaint was lodged before the Inspector-in-Charge, Berhampore Police Station on 8th July, 2023.

A further complaint was lodged before the Commission on 14th July, 2023.

The petitioner seeks consideration of the complaint lodged before the Commission.

It appears that the complaint was filed long after the date of declaration of the result on 11th July, 2023.

Accordingly, the prayer of the petitioner seeking consideration of the objection cannot be allowed.

The writ petition fails and is hereby dismissed.

The police is directed to take prompt necessary steps to proceed with the complaint lodged by the petitioner.

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.)