

23
07.08.2023
d.p.

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

W.P.A 17606 of 2023

**Avijit Saha
-versus
The Secretary of West Bengal
Election Commission & Ors.**

**Mr. Dhananjoy Banerjee,
Mr. Arup Kumar Bhowmik.
...For the Petitioner.**

**Ms. Sonal Sinha,
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. He alleges discrepancy in the number of ballot papers found in the ballot box and the number of ballot papers counted.

It has been submitted that at least six ballot papers are missing and the petitioner lost by only three votes.

Allegation is that the missing ballots may have been used for manipulating the result of the election.

From the submission made on behalf of the parties and upon perusal of the materials on record

there is nothing to suggest that six ballot papers were missing. The final election result is also not annexed to the writ petition.

In view of the above, the relief sought for by the petitioner cannot be allowed.

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.)