

19
09.08.2023
d.p.

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

W.P.A 17645 of 2023

**Safikul Islam & Ors.
-versus
Union of India & Ors.**

**Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Rajashree Tah,
Ms. Trisha Rakshit,
Ms. Aiswarya Datta.
...For the Petitioners.**

**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.**

The petitioners contested the Panchayat General Elections, 2023. They allege several illegalities on the day of the poll and also on the day of counting.

Learned advocate appearing for the petitioners produces a bunch of ballot papers and counterfoils which are alleged to have been recovered from the locality a couple of days after filing of the writ petition.

The petitioners lodged complaint before the respondent authorities on 13th July, 2023 and allege

that the complaint has not been taken up for consideration till date.

Specific prayer of the petitioners is for recounting of the votes.

It appears that the result of the election was declared on 11th July, 2023. The petitioners lodged complaint after the declaration of the result and filed the writ petition on 24th July, 2023.

At such a belated stage the Court refuses to exercise jurisdiction in the matter.

Learned advocate appearing for the petitioners is directed to cause submission of the ballot papers in the concerned police station. The police is directed to seize the ballot papers and issue proper receipt thereof.

The police is directed to enquire into the complaint which was lodged by the petitioners on 13th July, 2023 and take necessary steps in response to the same in accordance with law.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioners from approaching the appropriate forum by way of election petition, for redressal of their 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.)