

SL 29
06.09.2023
AGM

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

W.P.A 17885 of 2023

**Binoy Krishna Raj
-versus
The State of West Bengal & Ors.**

**Mr. G. F. Hossain
Ms. Varsha Roy
Ms. Priyanka Mondal
... for the petitioner.**

**Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu
... For the State.**

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

The petitioner contested the Panchayat General Elections, 2023.

The petitioner alleges mismatch of votes.

It has been submitted that four ballot papers are missing and the petitioner lost by five votes.

Assuming the submission of the petitioner is correct, even if all the four missing ballot papers are added to the count of the petitioner, then also the petitioner lags behind by one vote.

For all practical purposes, the present writ petition cannot be entertained.

The writ petition fails and is hereby dismissed.

The order passed herein will not in any manner stand in the way of the competent forum in deciding

the election petition, which has already been filed by the petitioner.

The learned Court below shall decide the election petition uninfluenced by the observation made hereinabove.

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

(Amrita Sinha, J.)