

SL 30
06.09.2023
AGM

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

W.P.A 17892 of 2023

**Askari Alam & Anr
-versus
The West Bengal State Election Commission & Ors.**

**Mr. Imtiaz Akhtar
... for the petitioners.**

**Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
... For the State.**

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

The petitioners contested the Panchayat General Elections, 2023 and claim that certificate of election was issued in their favour on 11th of July, 2023.

Immediately after the certificate was handed over to the winning candidates, the same was snatched away.

It appears that after the alleged incident of snatching took place, complaint was lodged before the Returning Officer only on 18th of July, 2023 with a prayer for re-poll and the instant writ petition was filed on 26th July, 2023.

A candidate who was declared winner at the time of declaration of result ought to have approached the proper forum immediately if any illegality was caused to him/her.

In the present case, it is alleged that the certificate of election which was handed over to the winning candidates on 11th July, 2023 was immediately snatched away from them, but surprisingly, the complaint appears to have been lodged only on the 18th of July, after a lapse of seven days. The silence on the part of the petitioners from 12th July to 17th July is not clearly explained in the writ petition.

The Court doubts the bona fide of the writ petitioners.

The writ petition is liable to be dismissed and is hereby dismissed.

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

(Amrita Sinha, J.)