

04.09.2023

Item No.2

Ct. No.1

PG/KS

W.P.A.(P) 408 of 2023

Birendra Nath Mondal

VS

The State of West Bengal & Ors.

Mr. Debasish Chattopadhyay

Mr. Tirthankar Basu

.....For the Petitioner

Mr. Anuran Samanta

.....For the Election Commission of India

Mr. S. N. Mookherjee, Ld. A.G.

Mr. Anirban Ray, Ld. G. P.

Mr. Amal Kumar Sen

Mr. Sirsanya Bandopadhyay

Mr. Arka Nag

.....For the State

Mr. Billwadal Bhattacharya

.....For the respondent no.7

1. This writ petition filed as a public interest litigation seeks for varied prayers. Much of the prayers sought for cannot be granted in this writ petition nor the private respondents have been impleaded.
2. After we have heard the learned Government counsel appearing for the respondents/State, who made his submissions based on written instructions given by the Officer-in-Charge, Bagdah Police Station, North 24 Parganas District, it is seen that the present writ petition is not a genuine public interest writ petition as the petitioner has certain personal grievances against the private respondents in the matter concerning an immovable property, which is now subject-matter of a criminal case in charge-sheet dated 31st May, 2019 under Sections 465/ 467/ 468

and 34 of the Indian Penal Code and the matter is now pending.

3. In the light of the above, we are not convinced that the present writ petition is a public interest writ petition. Apart from that the prayer sought for is to delete the names of the private respondents from the voters' list alleging that they are Bangladeshi nationals.
4. This aspect has to be dealt with at an appropriate stage by the appropriate authority and not at this juncture when already the voters' list has been drawn and the elections of the Panchayats have already been concluded.
5. Therefore, in this writ petition, no direction can be issued, as sought for by the writ petitioner.
6. However, this order will not preclude the writ petitioner from pursuing his remedies before the appropriate authority in accordance with law.
7. With the above observations, the writ petition is dismissed.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)