

Item No.11

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

05.10.2023  
Ct-24

WPA 19945 of 2023  
Santana Mondal & Ors.

v.

The State of West Bengal & Ors.

Mr. Moyukh Mukherjee  
Ms. Sagnika Banerjee  
... for the petitioners.

Mr. Wasim Ahmed  
Sk. Md. Masud  
... for the State.

Mr. Bibek Jyoti Basu  
Md. Kashif  
... for the added respondent.

Ms. Amrita Pandey  
Ms. Sneha Singh  
... for the Union of India.

Learned advocate representing the Block Development Officer submits, upon instruction that, the original ballot papers cannot be produced before this Court because the same were torn and snatched away after the elections were over.

Reliance has been placed upon the complaint lodged by the Returning Officer before the Officer-in-Charge of the police station on the day of the election of Pradhan i.e. on August 10, 2023.

It appears from the said complaint that after the election was held and the meeting was over, the contesting winning and the losing candidate was duly informed. Thereafter a gang of hooligans entered the

meeting room and forcefully snatched away the confidential files containing the resolution, the forms, ballots and all other relevant papers and tore them into pieces. The Returning Officer was physically assaulted and threatened with sharp weapons. The mobile phone, video camera used for recording the meeting proceedings were all destroyed. The Block Development Officer had to send a team to rescue the Returning Officer. A complaint was lodged before the Officer-in-Charge, Sagarpara Police Station.

The petitioners insist that they are the majority members and Pradhan ought to have been elected from any of their candidates. The petitioners contend that the petitioner no. 1 was proposed to be the Pradhan of the Gram Panchayat. According to the petitioners, the Pradhan could not have been elected from the minority members.

In view of the submission that the ballot papers are not available and cannot be produced before the Court as the same do not exist right now, being torn into pieces, accordingly, the Court is not in a position to review the issue. The CCTV footages are also not available for viewing.

The complaint lodged by the Returning Officer mentions that the election process was over and the respective candidates were intimated the result of the election. At this stage there is hardly any scope to review the situation.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Affidavit-of-service filed in Court is taken on record.

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

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**(Amrita Sinha, J.)**