

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

15.09.2023
Ct-24
A.G.M.

WPA 20725 of 2023
With
CAN 1 of 2023

Samsul Rahaman Khan & Anr.
v.
The State of West Bengal & Ors.

Mr. D. K. Sengupta
Ms. Sweta Saha
... for the petitioners.

Mr. Ankit Sureka
Mr. Biplob Das
... for the respondent no. 3.

Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Partha Sarathi Pal
... for Co-operative Election Commission.

Mr. Deepnath Roy Chowdhury
Mr. Vijay Verma
...for the intervenor.

The instant writ petition was filed praying for issuance of a writ of Mandamus upon the respondent authorities to change the venue of the election.

It appears from the submissions made on behalf of the parties that the election stood concluded on 27th August, 2023.

The petitioners are aggrieved by the manner in which the election was conducted.

A supplementary affidavit has been filed incorporating facts and documents which arose subsequent to the filing of the writ petition.

The Court is of the opinion that subsequent events which occurred after filing of the writ petition cannot be decided in the present writ petition specifically because the cause of action for filing the writ petition does not subsist any more.

The prayer for change of venue already stood rejected by the Election Commission. The same gives rise to a fresh cause of action which cannot be adjudicated in the present writ petition.

In view of the above, the writ petition stands disposed of.

It will be open for the petitioners to initiate appropriate proceeding in accordance with law for redressal of their grievances, if so advised.

Connected application being CAN 1 of 2023 is also disposed of.

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

(Amrita Sinha, J.)