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20.03.2024  
d.p.

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

**W.P.A 5107 of 2022**

**Debojyoti (Tripti) Roy  
-versus  
The State of West Bengal & Ors.**

**Mr. Milan Chandra Bhattacharjee, Sr. Adv.  
Ms. Sulagna Bhattacharjee.  
...For the Petitioner.**

**Ms. Sukalpa Seal.  
...For the State.**

**Ms. Sonal Sinha,  
Ms. Srabasti Barai.  
...For the  
Election Commission.**

**Mr. Pratip Kumar Chatterjee.  
...For the Respondent No.10.**

The matter relates to the municipal election held in the year 2022.

The petitioner alleges that there was severe illegalities which took place in the storage of the ballot boxes and the CCTV footages.

It appears that the election was conducted on 27<sup>th</sup> February, 2022 and the counting was held on 2<sup>nd</sup> March, 2022. The allegation of the petitioner is with regard to the time period between 27<sup>th</sup> February, 2022 till 2<sup>nd</sup> March, 2022.

Complaint highlighting the illegalities appears to have been lodged before the Municipal Returning Officer and the Sub-Divisional Officer on 10<sup>th</sup> March, 2022.

The petitioner submits that copy of the complaint was also forwarded to the State Election Commission on the same date via email. The writ petition was filed on 22<sup>nd</sup> March, 2022.

According to the provisions of the West Bengal Municipal Election Act, 1994, the time period within which any dispute with regard to the election has to be filed is ten days immediately after the date of declaration of the result of the election.

In the present case, the writ petition appears to have been filed more than ten days after the result of the election was declared. The writ petition was taken up for consideration by the Court in April 2023. As none represented the petitioner, the same stood dismissed for default and thereafter, restored by the Court on 22<sup>nd</sup> February, 2024.

The petitioner primarily prays for a direction for viewing the CCTV footages.

According to the Circular published by the West Bengal State Election Commission on 23<sup>rd</sup> February, 2022, the State Election Commission directed preservation of the voting record prepared from the EVM in terms of Rule 61N of the West Bengal Municipalities (Conduct of Elections) Rules, 1995.

It appears therefrom that the concerned Municipal Returning Officer or an officer authorized by

the Commission is required to keep all detachable memories used in an election for a period of 30 days from the date of declaration of the results and the memory preserved in the detachable memory shall not be erased thereafter except under the orders of the Commission for use of the memory in subsequent election.

After the conclusion of the municipal election in the year 2022, the Panchyat elections were conducted by the Commission in March 2023. No direction has been passed for preservation of the particular CCTV footages in the instant case.

At such a delayed point of time there is hardly any scope to interfere in the matter.

Though a point of maintainability of the present writ petition has been raised by the private respondent and the State Election Commission, but the same is not decided in the instant proceeding as the Court is not inclined to exercise jurisdiction in the matter.

The writ petition, accordingly, fails 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.)**