

15.04.2024
Item No.10
gd/ssd

FMA/479/2024
IA NO: CAN/1/2024
THE ELECTION COMMISSION OF INDIA AND ORS.
VS
MADALI ALI AND ORS.

Mr. Anuran Samanta
..for the Appellants.

Mr. Satadru Lahiri,
Mr. Safdar Azam
..for the Respondent No.1.

Mr. Biswabrata Basu Mallick,
Mr. sayan Ganguly
..for the State.

Mr. Somnath Adhikary
..for the Respondent Nos.3 and 4.

1. This intra court appeal by the Election Commission is directed against the order dated 26.02.2024 passed in WPA 27666 of 2023.

2. After elaborately hearing the learned advocates for the parties and carefully perusing the materials placed on record, we are of the considered view that the learned Single Bench was justified in allowing the writ petition in granting the relief.

3. We need not dwell upon various other issues and suffice to refer the Form No.7 alleged to have been submitted by an objector is devoid of any particulars and the relevant columns in the statutory form have not been filled up.

4. Therefore, the Election Commission could not have taken any cognizance of such Form and initiated action.

5. This would be sufficient to quash the entire proceedings initiated by the appellants. That apart in Form No.14 the grounds on which deletion is sought for should have been mentioned which is also not mentioned. That apart the learned Single Bench has noted that the Aadhaar Card issued to the writ petitioner has already been restored.

6. Thus, we find no grounds to interfere with the order passed by the learned Single Bench.

7. Accordingly, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)