

Item No.9

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

08.04.2024
Ct-24

WPA 16632 of 2023

Arpita Banik Sarder

v.

The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Saloni Bhattacharyya
Mr. Arka Maiti
Ms. Gulsanwara Pervin
... for the petitioner.

Ms. Sonal Sinha
Ms. Shabnam Farooqui
Ms. Srabasti Barai
... for the State Election Commission.

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque
... for the State.

The petitioner contested the Panchayat General Elections, 2023.

She alleges that there has been violation of the provision of Rules 83, 84, 88 and 89 of the West Bengal Panchayat Election Rules, 2006.

A video footage on the date of counting was provided by the Election Commission to the learned advocate representing the petitioner in a pen drive. The same has been viewed and the petitioner has recorded the findings in the supplementary affidavit that has been filed on her behalf.

Specific contention of the petitioner is that the persons who were not supposed to remain present in the

counting room at the time of counting of votes were found present and they acted illegally resulting in the manipulation of the votes and the result declared.

The video footages are already preserved by the Panchayat Returning Officer.

The Election Commission is the ultimate authority to take a decision as to whether any illegality perpetrated at the time of counting of votes prior to declaration of the final result.

The State Election Commission is, accordingly, directed to fix up a date for viewing the video footages in the presence of the necessary parties and if it appears that the allegations of the petitioner are true, necessary remedial steps shall be taken.

Opportunity shall be given to all the necessary parties to remain present at the time of viewing the video footages.

The matter shall be finally decided by the State Election Commission at the earliest but latest by July 31, 2024.

The writ petition stands disposed of.

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.)