

1709
04.01.2024
Court No. 24
AGM

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

W.P.A 17765 of 2023

**Sanjoy Sen Baidya & Ors.
-versus
The Secretary of West Bengal Election Commission
& Ors.**

**Mr. Subhrajit Saha.
... For the Petitioners.**

**Ms. Sonal Sinha.
Mr. Avishek Prosad.
...For the Election Commissioner.**

**Mr. Anuran Samanta
... for the respondent no.3.**

The report as directed to be filed by the Commission vide order dated 5th September, 2023 has not been filed till date.

The petitioners' prayer for recounting the votes filed on 11th July, 2023 is pending consideration.

It appears that a considerable period of time has elapsed after the prayer was made before the Commission seeking recounting. The Commission ought to have taken a decision by now.

Instead of keeping the writ petition pending any further, the Court is minded to dispose of the same by passing the following order.

The State Election Commission is directed to consider the representation filed by the petitioners on 11th July, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties to adduce evidence and thereafter pass a

reasoned order and communicate the same to all the parties.

Learned advocate representing the petitioners is directed to forward a copy of the representation dated 11th July, 2023 to the Commission at the time of communicating the order of the Court.

All parties will be permitted opportunity to rely upon all evidences in support of their stand.

Endeavour shall be taken to pass final order in the matter after consideration of the representation at the earliest but positively within a period of four weeks from the date of communication of this order.

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.

(Amrita Sinha, J.)