

Item No.1714

04.01.2024

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17986 of 2023
Marjina Bibi Mallick & Ors.
v.
The State of West Bengal & Ors.

Mr. Rabilal Maitra
Mr. Siddhartha Sankar Mondal
Mr. Shamim Ahamed
Ms. Arunima Das Sharma
... for the petitioners.

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

Ms. Sonal Sinha
Mr. Avishek Prasad
... for the State Election Commission.

The allegation of the petitioner is that free and fair election was not conducted on July 8, 2023. The petitioners rely upon certain video footages and photographs in support of his submission that there was severe violence on the day of the election. Persons have been shown to be moving around freely with fire arms.

The petitioner made representation before the Special Observer. Thereafter, application was made before the Panchayat Returning Officer on July 17, 2023 seeking re-poll.

The result of the election was declared on July 11, 2023. The application made on July 17, 2023 seeking re-poll appears to be an afterthought. As regards the violence on the day of the election, there is nothing on record to suggest that complaint was lodged either

before the Panchayat Returning Officer or the State Election Commission or the police or the Presiding Officer.

In view of the above, the prayer of the petitioners for passing direction for investigation of the matter cannot be accepted.

The writ petition 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.

sh

(Amrita Sinha, J.)