

ML 1740
04.01.2024
d.p.

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

W.P.A 18162 of 2023

**Sunanda Naskar
-versus
The Secretary of West Bengal Election Commission
& Ors.**

**Mr. Sourav Sardar.
...For the Petitioner.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Arka Kumar Nag.
...For the State.**

**Ms. Sonal Sinha,
Mr. Avishek Prasad.
...For the State
Election Commission.**

The petitioner contested the Panchayat General Elections, 2023. Upon declaration of result it was found that there was a tie between the petitioner and the candidate who was subsequently declared as winner upon toss. The petitioner submits that lottery ought to have been conducted and not a toss.

Submission of the petitioner cannot be accepted.

Any of the modes for declaring the winner between two candidates tied up can be allowed by the Commission.

In view of the above, the prayer of the petitioner for not giving effect to the result declared on 11th July, 2023 cannot be accepted.

No relief can be granted to the petitioner in the instant case.

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.

(Amrita Sinha, J.)