

Item No.06

27.03.2024
Ct-24
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18768 of 2023

Kabita Mondal
v.
The Secretary of West Bengal Election Commission &
Ors.

Mr. Sandipan Das.
Ms. Suparna Dutta
... for the petitioner.

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

Ms. Sonal Sinha
Ms. Shabnam Farooqui.
... for the WBSEC.

Mr. Sukanta Chakraborty
... for the respondent no. 11.

Mr. Anuruzzaman
... for the respondent no. 13.

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

The petitioner contested the Panchayat General Elections 2023. She lost by four votes.

The petitioner alleges that the local MLA being the respondent no. 13 barged inside the counting station and vandalized the counting process. A complaint was lodged by the Secretary of the political party which the petitioner represents on 12th July, 2023.

The petitioner alleges that the same has not been considered. Further representation was made on behalf

of the petitioner on 16th July, 2023 and 26th July, 2023. None has been considered.

Learned advocate representing the private respondent denies the allegation.

From the documents annexed to the writ petition, it appears that the first complaint which was lodged on 12th July, 2023 at 8.09 p.m. was by the Secretary of the political party. No complaint was made by the petitioner who was the contesting candidate prior to final declaration of the result.

According to the provision of law, in the event there is any illegality, the same ought to have been brought to the knowledge of the counting officer prior to final declaration of result. The same has not been done in this case.

The facts of the case are such that an election dispute would have been the appropriate remedy where the petitioner could have agitated all her grievances.

In the writ petition it is not possible of the writ Court to adjudicate the dispute raised by the petitioner.

In view of the above, no relief can be granted to the petitioner in the present case.

The writ petition fails and is hereby dismissed.

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Amrita Sinha, J.)