

Sl. Nos. 4-6
23.09.2024
Suman
Ct. 15

WPA 23694 of 2024

Meghnad Pal
Vs.
The State of West Bengal and Ors.

With
CPAN 1548 of 2024

Meghnad Pal
Vs.
Dr. Krishna Gupta, IAS., Addl. Chief Secretary, Dept.
of Cooperation, Govt. of W.B. and Ors.

With
WPA 17170 of 2024

Meghnad Pal
Vs.
The State of West Bengal and Ors.

Mr. Billwadal Bhattacharyya
Mr. Anish Kumar Mukherjee
Mr. Tamoghna Pramanick
..for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
..for Co-operative Election Commission

Mr. Dhiman Kumar Sengupta
Ms. Sweta Saha
Ms. Farhin Mustaque
....for respondent no.10 in WPA 23694 of 2024

Mr. Sudipta Panda
Ms. Ananya Neogi
..for the State in WPA 23694 of 2024

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
..for respondent nos. 2 and 3 in WPA 23694 of 2024

Ms. Rashmi Bothra
Ms. Rama Ghosh Dastidar

..for respondent no.12.

Mr. Ankit Sureka

Mr. Biplab Das

..for alleged contemnor no.1 in CPAN 1548 of 2024

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

..for the State in WPA 17170 of 2024

In the earlier round of the writ petition, the petitioner alleged that the voter list for the election of the Tamluk Co-operative Agricultural and Rural Development Bank Limited included the names of several deceased individuals. It was also contended that the polling booths for the election were situated at locations significantly distant from the centers of the relevant seven block areas where the voters reside.

This Court, by an order dated August 30, 2024, disposed of the aforementioned writ petition, directing the Election Commission to consider the petitioner's objections and, if warranted, to publish a revised voter list excluding the names of the deceased individuals. Regarding the fixation of polling venues, the Court granted the petitioner the liberty to submit a representation, which the Election Commission was directed to consider in a timely manner.

Furthermore, the Court clarified that the election would be held on the date scheduled by the Election Commission.

In CPAN 1548 of 2024, the petitioner alleges that the Election Commission has violated this order by deferring the election date.

During the last hearing, Mr. Nayak, the learned advocate representing the Election Commission, indicated that a revised election date had been, fixed on November 27, 2024. However, today, Mr. Nayak submits that the election notification has been published, declaring the election date as November 8, 2024.

Mr. Nayak further submits that the administration deemed it necessary to defer the election due to Biswakarma Puja and the birthday of the Prophet Mohammad. He also verbally stated that, in addition to these two festivities, the prevailing flood situation has necessitated the postponement of the election.

I do not perceive any deliberate violation of the order dated August 30, 2024, by the Election Commission. It appears that administrative exigencies compelled the Election Commission to schedule the election immediately following the upcoming puja vacation.

Consequently, **CPAN 1548 of 2024** is disposed of.

In WPA 23694 of 2024, the petitioner has prayed that the election date be fixed on September 22, 2024. Given the order passed in CPAN 1548 of 2024, no further order is required to be passed in this writ petition.

I, however, find merit in the argument of Mr. Billwadal Bhattacharyya, learned advocate for the petitioner, that the counting of votes should be conducted as expeditiously as possible immediately following the election on November 8, 2024, preferably during daylight hours. According to election rules, the counting must be done on the same day as the election.

In light of this, I direct the Election Commission to advance the election time on November 8, 2024, from 8 a.m. to 2 p.m., with the counting to commence immediately thereafter.

Furthermore, I clarify that the election must be conducted under CCTV surveillance, as already mandated by the Election Commission. The Election Commission shall immediately issue a corrigendum to the Election Commission notification regarding the election in accordance with this order.

With the above directions, **CPAN 1548 of 2024** and **WPA 23694 of 2024** are disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)