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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Election Petition Jurisdiction
ORIGINAL SIDE

EP/2/2019
IA No. GA/6/2021, GA/7/2023

SHANTI RANJAN DAS
Versus
THE DISTRICT ELECTION OFFICER, 17-BARASAT
PARLIAMENTARY CONSTITUENCY

BEFORE:
The Hon'ble JUSTICE PARTHA SARATHI SEN
Date : 18th July, 2024.

Appearance :
Mr. Shanti Ranjan Das, in person.
... petitioner.

Mr. Anuran Samanta, Adv.
... for ECI.

The Court:- The petitioner appeared before this Court in person in virtual mode. The respondent no.3, The District Election Officer is also represented through his Counsel. In this election petition, the petitioner has challenged the alleged illegal rejection of the nomination of the petitioner in 17-Barasat Parliamentary Constituency which was scheduled to be held on April 30, 2019. It is clearly submitted by the petitioner that with the lapse of time though the instant election petition has become practically infructuous but considering the fact that the candidature of the petitioner was illegally cancelled, an appropriate direction may be given to the respondent no.3 to refund the deposit as made by the petitioner by him together with adequate compensation.

Per contra, learned Advocate for the respondent no.3 submits before this Court that he is required to take instruction from his client with regard to the allegation as levelled against by the petitioner.

On close scrutiny of the entire materials placed before this Court and after hearing the petitioner as well as learned Advocate for the respondent no.3 it appears to this Court that with the passage of time the instant election petition has practically become infructuous and accordingly election petition case no. 2 of 2019 is dismissed as infructuous along with all interim applications.

While dismissing the instant election petition the respondent no.3 The District Election Officer, 17-Barasat Parliamentary Constituency, District- North 24 Parganas is directed to consider as to whether the petitioner at all entitled to get refund of his deposit and he shall have to pass a reasoned order on such score positively within two months from the date of passing of this order. It is further made clear that before passing any such reasoned order the respondent no.3 give an opportunity of hearing to the petitioner either in physical mode or in virtual mode. It is further ordered that such reasoned order is to be communicated to the petitioner through e-mail Id which has been communicated to the learned Advocate for the respondent no.3 in Court today.

With the disposal of the instant election petition the interim order, if there be any, with regard to the non-release of EVM machine, VV Pad and other documents stands hereby vacated.

(PARTHA SARATHI SEN, J.)

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