

10.04.2025
Item No.13
gd/ssd

WPA(P)/85/2025
MANIK FAKIR @ MANIK MONDAL
VS
UNION OF INDIA AND ORS.

Mr. Sabyasachi Chatterjee,
Mr. Omar Faruk Gazi,
Ms. Susmita Das,
Ms. Ayasha Najrin
..for the Petitioner.

Mr. Nilotpall Chatterjee,
Mr. Amrita Lal Chatterjee
..for the State.

Mr. Ashok Chakraborti, Id. ASGI,
Mr. Atarup Banerjee,
Ms. Rini Bhattacharyya
..for the Respondent Nos.1, 7 and 8.

Ms. Sonal Sinha,
Ms. Shabnam Farooqi
..for the Respondent No.3.

Mr. Anuran Samanta
..for the Respondent Nos.2 and 4.

1. By this public interest litigation the petitioner seeks for a direction upon the respondent more particularly the Election Commission of India is fully responsible for failing to conduct complete citizenship verification, as full proof of citizenship and thorough verification of citizenship are mandatory for elected candidates. Further, the issue of foreign nationals illegally obtaining Indian citizenship and participating in the electoral process is particularly relevant to the upcoming West Bengal Legislative

Assembly Election expected to be held between March and April, 2026 to elect all 294 seats in West Bengal.

2. So far as the role of the Election Commission of India is concerned, it assumes jurisdiction as and when election is notified and if a candidate files a nomination under the provisions of the Act and the various Rules and the Regulations framed thereunder, the verification of the details will be done.

3. The petitioner now seeks a new process to be put in place which tantamount to a legislative exercise which a court cannot do in exercise of its power under Article 226 of the Constitution of India.

4. As rightly pointed out by the learned advocate appearing for the Election Commission of India there are sufficient checks and balances in the process adopted by the Election Commission of India while scrutinising the nomination. In the event a complaint is received in full form, the same will obviously be enquired.

5. Thus, considering the role of the Election Commission of India and the prayer sought for, we are of the view that such new procedure cannot be directed to be put in place by a writ court by directing authorities to frame regulation.

6. However, it will be well open to any citizens to raise any objection with regard to the validity of the nomination of the candidate to offer any election

either to the Parliamentary or to the Assembly Constituencies.

7. With the above observations, the matter is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)