

22.01.2026
rc/ct.no.05
Item No.05

WPA No. 1381 of 2026
Saradindu Patra @ Laltu & Ors.
Versus
The State of West Bengal & Ors.

Mr. Kallol Mondal
Mr. Brajesh Jha
Mr. Satadru Lahiri
Ms. Kanchan Jaju
Ms. Sreha Das ..for the Petitioners

Mr. Sirsanya Bandyopadhyay
Ms. Tapati Samantafor the State

Report submitted by the State is taken on record.

The petitioners seek return of the seized Form 7 applications for submitting the same before the competent authority.

Learned counsel for the petitioners submits that the petitioners collected the said forms from several voters and were of their way to submit the same before the Election Commission. They were intercepted and the forms were seized by the police authority on the basis of a false and frivolous complaint. Learned counsel submits that a similar application filed before the learned Magistrate has not been pressed subsequently. Learned counsel takes this Court to a clarification issued by the Election Commission of India on January 16, 2026 which demonstrates that there is no restriction on the number of Form 7 to be

filed/submitted by an elector of a particular constituency.

Opposing the prayer of the petitioner, learned counsel for the State takes this Court to Section 503 of the BNSS and submits that the petitioners ought to have filed an appropriate application before the jurisdictional Magistrate for return of the forms. A total of 3568 forms were seized from the petitioners and they failed to furnish an explanation with regard to possession of the same. The matter needs to be dealt with by the learned Magistrate.

I have considered the rival contention of the parties. It appears that the forms were seized from the petitioners by the police authority on the anvil of a complaint lodged on January 13, 2026. The petitioners claim to have collected the forms, 3568 in number, from the electors for submission of the same before the Election Commission. The clarification referred to by the petitioners indicates that a single elector can submit as many forms as he wishes to. It is not understood under what authority the petitioners chose to collect all the forms allegedly filled up by electors and proceed to submit the same before the Election Commission. No such authority has been produced by the petitioners before this Court. The forms have been seized in connection with a specific complaint. In view of Section 503 of the BNSS the return or otherwise of the seized

forms may be dealt with by the jurisdictional Magistrate on an appropriate application being filed by the petitioners. In view of the fact that the forms pertain to a particular criminal proceedings which is under investigation, this Court chooses not to allow the prayer of the petitioner in exercising jurisdiction under Article 226 of the Constitution of India.

The petitioners are at liberty to approach the appropriate forum for redressal of their grievance.

The writ petition is accordingly dismissed.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)