

AD -4
Ct No.25
24.04.2026
(SSS)

WPA 9983 of 2026

All India Trinamool Congress
Vs.
Election Commission of India & Ors.

Mr. Mainak Bose, Snr. Adv.,
Mr. Rajarshi Dutta,
Mr. Shivam Pathak
....For the petitioner.

Mr. Vipul Kundalia, Snr. Adv.
Mr. Anindya Kanan
...For the respondent no. 3.

Mr. Dama Seshadri Naidu, Snr. Adv.,
Mr. Jishnu Chowdhury, Snr. Adv.,
Ms. Anamika Pandey,
Mr. Prateek Kumar,
Mr. Abhinav Thakur,
Ms. Sanskriti Agarwal
....For the respondent nos. 1 and 2.

1. The petitioner has filed the present application praying for a direction upon the respondents for removal of the respondent no. 3 from the role of Police Observer in 141 Magrahat Purba (SC), 142 Magrahat (Paschim), 143 (Diamond Harbour) and 144 (Falta Assembly Constituency). The allegation in the present writ application against the respondent no. 3 is that during his stay at Sagarika Tourist Lodge, the respondent no. 3 conducted a private and unofficial meeting with

the candidate fielded by the Bharatiya Janata Party from 142 Magrahat Paschim Assembly Constituency. The petitioner has also disclosed the pen-drive to show that the candidate fielded by the Bharatiya Janata Party met with the respondent no. 3 in the Sagarika Tourist Lodge. The petitioner has made a complaint to the Chief Election Commissioner on 21st February, 2026 on the allegation that a private and unofficial meeting with the candidate of the Bharatiya Janata Party from 142 Magrahat Paschim Assembly Constituency, the said meeting was not officially scheduled, recorded or conducted in terms of the extent procedure and instruction of the Election Commission of India. He submits that inspite of making a written complaint to the Election Commission of India having the knowledge that the respondent no. 3 though has been appointed as a police observer of the said area and meeting with the candidate fielded by the Bharatiya Janata Party but the Election Commission of India has not taken any steps. The petitioner has relied upon Clause 3 of the Observer Handbook Vol. 1 on February, 2024 and submits that Clause 3 provides the overview of the observer's duty and as per the said clause, the observer is to oversee the efficient and effective management of the electoral process at the field area. He further

submits that as per the said provision, for all purposes, the Police Observers have acted as an eye and ears of the Commission during the period of election and provide direct inputs to the Commission from the field as an interface with the election machinery and the candidate, political parties and electorals to ensure that the acts, rules, procedures, instructions and guidelines related to elections are strictly and impersonally complied with by concern.

2. Mr. Mainak Bose, learned Senior Advocate appearing for the petitioner further relied upon Clause 16 of the said Handbook and submits that the meeting with the candidate should be conducted in presence of the RO of the Returning Officer but in the present case, the respondent no. 3 being the Police Observer has met with the candidate fielded by the Bharatiya Janata Party in person not in presence of the RO. He prays for removal of respondent no. 3 as Police Observer and to post some other Police Observer in his place.

3. Mr. Naidu, learned Senior Advocate, appearing for the Election Commission of India submits that the Sagarika Tourist Lodge, Diamond Harbour is designated as official place to conduct the meeting by the Police Observer. He further submits that the Sagarika Tourist Lodge of Diamond Harbour is

of the government and has been allotted to the Election Commission of India so that the Police Observers can hold their meetings in the said lodge. He further submits that sub-clause 3 of Clause 3 of the Observer's Handbook also provides that for all purposes the Police Observer shall act as an eye and ears of the Commission during the period of election and provide direct input to the Commission and as such, he has to meet with the public as well as the candidates of the political parties or an independent candidate and to submit the report to the Commission. He further submits the allegation made by the petitioner that the respondent no. 3 has met with the person fielded by the Bharatiya Janata Party is totally baseless, as the respondent no. 3 has met with the same as an official capacity along with the other public, not with a confidential meeting.

4. Learned Counsel appearing for the private respondent submits that the private respondent on receipt of the complaint accordingly has met with the private respondent and the private respondent has submitted his reply to the Chief Election Commission and in the reply he has categorically informed that on 20th April, 2026 a meeting was conducted in the first floor of the conference hall of Sagarika Hotel which serves as

a designated area of the official election related works. He further submits that on 20th April, 2026 and 21st April, 2026 the hall was occupied by the multiple office members and Data Entry Operators maintaining a complete transparent environment. He submits that the allegation made by the petitioner is totally false and baseless.

5. Heard the learned Counsel for the respective parties, perused the materials on record. This Court finds that the allegation against the private respondent that the private respondent has unofficially met with the candidate fielded by the Bharatiya Janata Party of the said area and the said meeting was not official scheduled meeting. But on the other hand, learned Advocate appearing for the private respondent and the Election Commission of India has submitted that the conference room of the said lodge has been designated as an official room for conducting the official conference and the meeting was conducted by the private respondent along with all officials and he has not met with any of the persons personally.

6. This Court finds that the representation made by the petitioner is pending before the Election Commission and the private respondent has also submitted his reply to the Election Commission of India and as such, without going into the disputed

question of fact whether the private respondent has met with the person who has been fielded by the Bharatiya Janata Party in Room no. 208 of Sagarika Tourist Lodge on 20th April, 2026, the writ petition is disposed of by requesting the Election Commission of India to dispose of the complaint filed by the petitioner on 21st February, 2026 within 24 hours and to communicate the order to the petitioner immediately.

7. Accordingly, WPA 9983 of 2026 is disposed of.

(Krishna Rao, J.)