

Item No.75

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

31.07.2023
Ct-24

WPA 17309 of 2023
Mintu Mondal
v.
The Secretary of West Bengal Election Commission & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sayan Banerjee
...For the petitioner.

Mr. Santanu Kumar Mitra
Mr. Ganga Prasad Mukherjee
... For the State.

Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... For the State Election Commission.

Mr. Anuran Samanta
... For the respondent no. 3.

Mir Anurussaman
... For the respondent no. 13.

Mr. Billwadal Bhattacharya, Ld. DSGI.
Mr. Tirtha Pati Acharyya
... For Union of India.

The petitioner contested the Panchayat General
Elections, 2023.

He seeks recounting.

Application for recounting was made on July 18, 2023 and the ground for recounting is that for basic knowledge of the petitioner recounting was necessary.

It appears that no ground for recounting has been made out in the complaint lodged by the petitioner.

The petitioner alleges that the counting agent was not allowed to remain inside the counting center at the time of counting and, accordingly, protest could not be lodged immediately.

Learned advocate representing the State respondents submits that as per the provision of law, the prayer for recounting ought to have been made in the counting table itself on the day of counting. The same not being done, the prayer of the petitioner ought not to be allowed.

I have heard the submissions made on behalf of both the parties.

It appears that the prayer for recounting does not contain the ground pursuant to which order of recounting may be passed. Moreover the prayer for recounting was made long after declaration of the result.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner to approach the appropriate forum by way of an election petition in accordance with law, for redressal of his grievances, if so advised.

The Panchayat Returning Officer is directed to properly preserve the CCTV/Video footages and the ballot papers and to produce the same as and when called for.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

Sh.

(Amrita Sinha, J.)