

Court No. 10
(1629)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

28.07.2026
(JPD 20)

(S. Banerjee)

WPA 1402 of 2026

Umme Salma
Vs.
The State of West Bengal & Ors.

Mr. Purbayan Chakraborty
Ms. Khushi Kundu
Ms. Anupama Sarkar
Mr. Diptanshu Kar

... for the petitioner

Mr. Shubhankar Dutta
Ms. Manisha Dutta

... for the State

On the prayer of the learned advocate appearing for the petitioner, leave is granted to the petitioner to implead the Election Commission of India as a party-respondent in this writ petition.

Learned advocate-on-record is permitted to amend the cause-title of this writ petition.

Petitioner is directed to serve an amended copy of the writ petition upon the Election Commission of India, the added

respondent, and file an affidavit of service on the next date.

The petitioner has challenged the order dated June 4, 2026 issued by the Special Secretary (IT&R) to the Government of West Bengal, Food & Supplies Department. Petitioner alleges that after issuance of the aforesaid order, the petitioner was informed by the local Fair Price Shop Dealer that her entitlement is likely to be discontinued unless she could show that an appeal concerning her electoral status was pending before the relevant Tribunal/appellate forum. Apprehending that RKS-Y-I card of the petitioner would be deactivated or deleted, notwithstanding the pendency of Form 6, the petitioner has approached this Court with an interim prayer restraining the authorities not to take any coercive or adverse action against the petitioner by way of stopping/denying the monthly entitlement of the petitioner with regard to supply of necessities through RKS-Y-I card.

Learned advocate appearing for the State, on instruction, submits that there is

no basis in such apprehension of the petitioner as the said card of the petitioner is active as on date.

On a query of the Court as to whether supplies of necessities of the petitioner under the said card would be affected or stopped, learned advocate appearing for the State submits that since the said card is active, the supply of necessities would not be interfered with or stopped.

Such submission of the learned advocate appearing for the State is placed on record.

Learned advocate appearing for the petitioner places reliance upon a recent decision of the Hon'ble Supreme Court in the case of *Association For Democratic Reforms and Ors. -Vs.- Election Commission of India & Ors.*, reported at 2026 SCC OnLine SC 990 in support of his contention that an enquiry in SIR process does not amount to determination of the citizenship and any action taken pursuant thereto is confined to electoral consequences alone.

The Hon'ble Supreme Court in paragraph 186(f) of *Association For Democratic Reforms and Ors. (supra)*, held thus:

“The Commission is empowered, in the exercise of its constitutional mandate, to undertake a limited enquiry into citizenship for the purpose of satisfying itself as to eligibility for inclusion in the electoral roll. Such an enquiry does not amount to a determination of citizenship in the strict sense, and any action taken pursuant thereto is confined to electoral consequences alone. The consequence of such a determination is correspondingly limited. It affects the individual's entitlement to be included in the electoral roll, and thereby their right to participate in the electoral process. It does not, however, operate to divest the individual of claims of citizenship, nor does it foreclose a determination of that question by the Competent Authority under the Citizenship Act.”

The Hon'ble Supreme Court held that any action taken pursuant to SIR of

Electoral Roll cannot operate to divert the individual of claims of citizenship.

The petitioner states that in the final electoral roll published on February 28, 2026, the petitioner's name was shown under serial no. 1202 but was marked as 'deleted'. The petitioner submitted an online Form 6 on April 9, 2026 for inclusion of her name in the electoral roll. Petitioner further alleges that in spite of expiry of three months, no final decision on the application submitted by the petitioner under Form 6, has been communicated to the petitioner.

It prima facie appears to this Court that following the deletion of the name of the petitioner in the electoral roll, the petitioner has taken steps for including her name in the electoral roll by filing an application in Form 6. Such application is pending consideration before the concerned authority.

The larger issue that arises for consideration is whether deletion of name from the electoral roll could have been a ground for denying supply of necessities

through public distribution system. The other issue would be whether such supply can be stopped during pendency of an application under Form 6.

Such issues are to be gone into. For such reasons, the writ petition is admitted.

It is the stand of the respondent authority that the RKS-Y-I card in the name of the petitioner is still active and taking note of the submissions of the learned advocate appearing for the petitioner as recorded supra, this Court is inclined to pass an interim order.

The respondent authorities shall not take any coercive steps against the petitioner with regard to his monthly ration entitlement without the leave of this Court.

Let report(s) in the form of affidavit be filed by the Sub-Divisional Controller, Food and Supplies, Cooch Behar (Sadar) being the 3rd respondent, and the Electoral Registration Officer, 4-Cooch Behar Dakshin Assembly Constituency, being the 4th respondent, within two weeks from date.

Reply thereto, if any, be filed within a week thereafter.

Parties will be at liberty to mention this matter for enlistment after the expiry of the period fixed for exchange of affidavits.

(Hiranmay Bhattacharyya, J.)