

EP/10/2021

IA NO:GA/1/2021

IN THE HIGH COURT AT CALCUTTA

Election Petition Jurisdiction

ORIGINAL SIDE

SWADHIN KUMAR SARKAR

VS

CHANDANA SARKAR & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 16th July, 2021.

Appearance:

Ms. Kanika Singhai, Adv.

Mr. Francis Samson Correa, Adv.

Mr. Siddhant Bajaj, Adv.

Mr. Amit Kumar Mishra, Adv.

Mr. Rishav Kumar Thakur, Adv.

Ms. Kiran Kumari Mahato, Adv.

..for the petitioner.

The Court:- Heard the submission made on behalf of the petitioner. It appears from the report prepared by the Registrar, Original Side of this Court that the petition has been scrutinized in terms of Rule 23 of the Election Petition Rules, 1967 of the High Court at Calcutta and being satisfied that the same does not suffer from any defect the Election petition is admitted.

Let notice be issued in terms of Rule 24 of the Election Petition Rules, 1967 framed by the Court.

The petition is made returnable on 20th August, 2021.

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All the equipments, devices, documents both physical and in the electronic form in connection with the election under challenge shall be preserved by the concerned authority till the disposal of the Election Petition.

The Registrar, Original Side is directed to communicate this order to the concerned authority responsible for preserving the aforesaid equipments, devices, documents etc.

GA 1 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)

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ORDER SHEET
EP 9 OF 2021
GA 1 OF 2021
IN THE HIGH COURT AT CALCUTTA
ELECTION PETITION JURISDICTION
ORIGINAL SIDE

KALYAN CHAUBEY
VERSUS
SADHAN PANDE AND ORS.

BEFORE:
The Hon'ble JUSTICE JAY SENGUPTA
Date : 16TH July, 2021.

APPEARANCE:
Mr. Vikash Singh, Adv.
Ms. Kanika Singhal, Adv.
...for the petitioner

Mr. Dipayan Chowdhury, Adv.
...for Intervenor

The Court : Mr. Kalyan Chaubey, the petitioner is personally present before this Court in the virtual mode.

On going through the report submitted by the Registrar, Original Side, this Court is satisfied that the instant petition does not suffer from any defect as mentioned in Sub-section (1) of Section 86 of the Representation of People Act, 1951.

Perused the petition and the connected application.

Let notice be issued in terms of Rule 24 of the Election Petition Rules, 1967 as framed by this Court.

The matter is made returnable on 6th August, 2021.

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It is directed that till disposal of the main petition, the documents, the election papers and the devices connected with the instant case be preserved by the concerned authority who is supposed to be the custodian of such documents and other materials mentioned herein above during the post poll phase.

GA 1 of 2021 is, accordingly, disposed of.

Urgent certified website copy of this order be made available to the parties upon compliance of all requisite formalities.

(JAY SENGUPTA, J.)

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ORDER SHEET

EP 2 of 2021
IA GA 1 of 2021
IN THE HIGH COURT AT CALCUTTA
ELECTION PETITION JURISDICTION
ORIGINAL SIDE

ALO RANI SARKAR
VS
SWAPAN MAJUMDAR

BEFORE:
The Hon'ble JUSTICE BIBEK CHAUDHURI
Date: 16th July, 2021.

(Via Video Conference)

Mr. Samik Kanti Chakraborty,
Mr. Piyush Agrawal,
Mr. Agnish Basu, Advs.
...for the petitioner
Mr. Indrajeet Dey,
Mr. Arindam Paul,
Mr. Debayan Goswami, Advs.
...for the respondent

The Court: The respondent/returned candidate appears through his learned advocate. The learned advocate for the respondent is at liberty to file Vakalatnama in connection with this election petition before the department.

The petitioner has filed an application praying for an order directing the Election Commission of India to preserve all documents, election papers, devices and video recordings connected with the election to Assembly Constituency 96 – Bangaon Dakshin (SC) for reference during trial of the petition. Prayer is considered and allowed.

Registrar, Original Side is directed to serve a copy of this order to the Chief Electoral Officer, West Bengal. The parties are at liberty to act on a server copy of the order.

On perusal of the election petition, this Court is of the view that the instant election petition ought to be heard at the outset on the issue of maintainability. Therefore, the following preliminary issue is framed :

“Is the instant election petition maintainable in law ?”

The matter be fixed for hearing on 30th July, 2021 at 11 A.M. Both the petitioner and the returned candidate are directed to be present at the time of hearing physically.

The returned candidate is at liberty to file written statement by the date fixed.

(BIBEK CHAUDHURI, J.)

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