

4 **03.03.2022**
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MAT/216/2022
IA NO: CAN/1/2022
SATYA RANJAN SIL ALIAS SONA SIL
VS
STATE OF WEST BENGAL AND ORS.
with
MAT/217/2022
IA NO: CAN/1/2022
SATYA RANJAN SIL ALIAS SONA SIL
VS
STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

Mr. Kishore Dutta,
Mr. Sandipan Ganguly,
Mr. Kallol Mondal,
Mr. Supratim Dhar
..for the Appellant

Mr. Raja Saha,
Mr. Debasish Ghosh
..for the State

MAT 216 of 2022 is directed against the order of the learned Single Judge dated 08.02.2022 whereby WPA 7 of 2022 has been disposed of in terms of the earlier order passed in WPA 2139 of 2021.

MAT 217 of 2022 is directed against the order dated 08.02.2022 passed in WPA 2139 of 2021 whereby certain directions have been issued by the learned Single Judge in respect of granting police protection for the purpose of filing the nomination.

The appellant had approached the writ court by filing WPA 7 of 2022 raising the grievance that his wife was the Chairperson of the Bansberia Municipality and

after her tenure was over, a number of criminal cases were registered and the appellant along with the family members was harassed and his house was ransacked compelling them to leave the place but on their complaint, no action was taken. Accordingly, the appellant had approached the writ court by filing WPA 7 of 2022 and seeking a direction to the respondents to permit the petitioner to enter into his house. Subsequently the appellant wanted to contest the municipal elections, therefore, he had filed the second writ petition being WPA 2139 of 2021 with a prayer that he may be permitted to enter the municipal area for the purpose of filing his nomination for contesting the election and the proper protection be provided for that purpose.

Learned Single Judge by order dated 08.02.2022 had disposed of WPA 2139 of 2021 by issuing a direction that the appellant will be accompanied by an armed constable of the concerned police station while filing his nomination and a further direction has been issued that security arrangement in the residence will be done by the police and in this regard the cost and expenses etc. will be borne by the appellant.

Submission of learned counsel for the appellant is that so far as the grievance against the order in respect of permission to file his nomination is concerned it does

not survive because the appellant could not furnish his nomination paper but now the appellant wants to return back to his residence, therefore, proper protection should be provided to the appellant and his family members. He has submitted that considering the threat perception the period of police protection should be decided by the concerned police officer as per the existing rule.

Learned counsel for the State has also fairly stated that there is no objection in extending the police protection to the appellant so that he may return back to his residential house.

In the aforesaid circumstances, we find that so far as MAT 217 of 2022 is concerned the grievance of the appellant no longer survives hence it is dismissed.

So far as MAT 216 of 2022 is concerned the same is disposed of by permitting the appellant to move a proper application before the concerned Commissioner of Police for extending the police protection to enable him and his family members to return back to their house. Let this police protection be extended free of cost for initial period as may be decided by the Commissioner considering threat perception. Thereafter if the appellant wants further police protection, he will be required to pay for the same as per rule. In this regard appellant is permitted to submit

an application to the Commissioner who on receipt of it will take a decision within a period of 48 hours.

MAT 216 of 2022 is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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