

SL. 13.
February 23, 2022.
MNS.

(Through Video Conference)

WPA No. 3300 of 2022

Sahida Khatoon

Vs.

The State of West Bengal and others

Mr. Brajesh Jha,
Mr. Kailash Tamoli,
Mr. Ravi Ranjan Kumar,
Mr. Saket Sharma,
Mr. Akash Dutta

...for the petitioner.

Mr. Anuran Samanta

...for the E.C.I.

Mr. Amitesh Banerjee,
Mr. Suddhadev Adak

...for the State.

Mr. Sonal Sinha

...for the EC.

Learned counsel for the petitioner contends, by placing reliance on the several complaints lodged in writing by the petitioner, as supported by purported signatures of several neighbours, that the ruling political party has been issuing threats and preventing the petitioner from carrying out her election campaign safely.

Learned counsel submits that in view of the nature of the allegations, the petitioner is entitled to additional security cover from the respondent authorities.

However, learned standing counsel, by submitting a report authored by the Superintendent of Police, Diamond Harbour Police District, argues that no such threat perception has been disclosed in the complaints of the writ petitioner before the police and/or revealed from an enquiry to that effect undertaken by the Superintendent of Police through his agencies. It is contended that, in view of the vague nature of the allegations made in the writ petition, no additional personal security need be provided to the writ petitioner.

Upon hearing learned counsel for the parties as well as perusing the materials on record, it is evident that although several allegations have been made in the complaints before the police authorities made by the petitioner, apparently signed by others as well, the said complaints have not been substantiated by any affidavit from any of the signatories to the complaints. Even apart from that, it is not clear from the complaints lodged by the petitioner before the police as to the exact basis of apprehension of personal threat to the petitioner vis-à-vis the election, since, pursuant to a Division Bench order passed in a Public Interest Litigation earlier today, specific arrangements have been made in general lines for providing adequate security to the candidates and others, if necessary, by deploying paramilitary forces and making the Commissioner of

the State Election Commission personally responsible for any breach where such paramilitary forces are not deployed. There does not appear to be any overt act necessitating assignment of personal security officers to the writ petitioner.

In any event, it is expected that the Officer-in-Charge of the concerned police stations shall ensure that there is no breach of peace, intimidation or threat in any manner to any of the candidates in the forthcoming municipal election.

That apart, the Election Commission, being the authority responsible for all administrative and related decisions during the election process, shall take appropriate care, pursuant to the order of the Division Bench referred to above and as per the law, to ensure that free and fair elections are held in the oncoming municipal elections.

In such view of the matter, no further direction for personal security need be issued in favour of the petitioner.

WPA 3300 of 2022 is disposed of accordingly in terms of the above observations.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)