

AD. 2.
February 23, 2022.
MNS.

(Through Video Conference)

WPA No. 3393 of 2022

Samir Kumar Dutta

Vs.

The State of West Bengal and others

Mr. Vikash Singh,
Mr. Rahul Sharma

...for the petitioner.

Mr. Anirban Roy,
Mr. Avishek Prasad

...for the State.

Ms. Sonal Sinha,
Ms. Ankita Dey

..for the Election Commissioner.

This matter is coming up for the first time
before this Court.

Since the matter is being taken up out of turn
on the mentioning of the petitioner's counsel, the
learned Government Pleaded submits that he is not
equipped with full instructions in the matter.

The learned Government Pleader further
submits that the present writ petition has probably
arisen in view of an order passed by a co-ordinate
bench in similar matters on February 22, 2022, where
the concerned Commissioner and/or Superintendent
of Police was directed, *inter alia*, to assess the

situation and to submit a report as regards the individual threat perception of the petitioners therein.

Although no such directive has been issued in the present matter, in view of the nature of the proposed order being passed, no such prior enquiry is deemed necessary; more so, since the election campaign process is almost over, the last date for such campaign being February 24, 2022, and the election itself is to be held on February 27, 2022, leaving no further time for any other measure to be taken by the parties apart from those, as indicated hereinbelow.

It is brought to the notice of this Court that earlier today, a Public Interest Litigation has been disposed of by the Division Bench presided over by the Hon'ble the Chief Justice where several general security measures were stipulated, including the deployment of paramilitary forces in areas where there are threat perceptions.

In the said order, it was further stipulated, *inter alia*, that in the event the Commissioner of the State Election Commission takes the decision not to deploy the paramilitary forces, he will be personally liable to ensure that no violence takes place and free, fair and fearless elections take place in the municipalities where the paramilitary forces are not deployed.

In the opinion of this Court, the said directions issued by the Division Bench sufficiently take care of

security measures in so far as the candidates in the forthcoming municipal elections are concerned.

Needless to say, the local police will also ensure that there is no breach of peace or any threat or inducement of any kind to any of the candidates or their agents during the election process. In the event, there is any such breach of law, it will be open to the petitioner to approach the Election Commission as well as other appropriate authorities, if any, with such grievance.

If so approached, the said authorities shall immediately look into the complaints and take remedial measures without further reference to the court and without being influenced in any manner by any of the observations made herein.

Accordingly, WPA 3393 of 2022 is disposed of 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.)