

MAT 250 of 2022
With
CAN 1 of 2022
Shueli Panda Mishra & Ors.
Vs.
State of West Bengal & Ors.
(Through Video Conference)

Mr. Srijib Chakraborty
Mr. Suryaneel Das
Mr. Kaushal Agarwal

... ... for the appellants

Mr. S.N. Mookherjee, AG
Mr. Anirban Ray, GP
Mr. Raja Saha
Mr. Debasish Ghosh
Mr. Nilotpal Chatterjee

... ... for the State

Mr. Jishnu Saha, Sr. Adv.
Ms. Sonal Sinha

... ... for the SEC

Mr. Vipul Kundalia
Mr. Somnath Adhikary

... ... for the Union of India

This appeal is directed against the order of the learned Single Judge dated 23rd February, 2022 whereby the writ petition filed by the appellants has been disposed of with certain directions.

The record reflects that 21 writ petitioners who are candidates contesting election in the forthcoming Municipal Election from Contai had approached the Writ Court seeking a direction to the respondents to extend them security cover till completion of the election process and declaration of the result.

Learned Single Judge by order dated 22nd February, 2022 had directed the writ petitioners to make representation to the concerned Superintendent of Police and permitted those who had already made

representation to forward a fresh copy to the concerned Commission/Superintendent of Police of the respective area and had directed that to assess the threat perception and to take suitable decision and to convey it to the Court on the next date, i.e. on 23rd February, 2022.

The Superintendent of Police had submitted the report before the Court on the next date disclosing that out of 21 candidates only seven candidates had threat perception, therefore finding only those seven candidates entitled to the police protection. Learned Single Judge has passed the impugned order directing armed police protection to only those 7 candidates and rejecting the prayer for the remaining 14 candidates.

An issue has been raised before this Court by the learned counsel for the appellants that the Superintendent of Police had not assessed the ground situation and threat perception himself but had submitted the vague report.

It has also been argued before this Court that even otherwise in terms of clause (c) of Regulations 666 of Police Regulations, Bengal, 1943 the appellants are entitled to receive police protection on payment of the cost. Learned counsel for the appellants has stated that the appellants are ready to pay the cost.

Learned Advocate General appearing for the State has also fairly agreed for providing one Armed Police

Officer on payment of cost on the condition that it will not be used for the purpose of election campaign.

It is not in dispute that the election campaign will be over today at 5.00 p.m.

Having regard to the material which has been placed on record and the allegations which have been made by the appellants and also considering the nature of the report which has been submitted by the Superintendent of Police and taking note of the Regulations 666, we direct that all the appellants will be extended police protection by the respondent State by providing one Armed Police Officer each subject to payment of cost by the appellants in accordance with law. While assessing the cost the authority concerned will keep in mind that the protection has been extended to for safety of the candidates in the election, therefore, the cost at the minimum will be assessed.

Let the aforesaid exercise be completed during the course of the day.

The appeal and the connected application are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)