

14.06.2023
Court No.13
Supplementary List II
Item No.1
AP

WPA 13986 of 2023

**Md. Abdul Maleque Molla and Ors.
Vs.
The West Bengal State Election Commission and Ors.**

Mr. Arindam Jana
Ms. Jhuma Sen
Mr. Dinesh Vishwakarma

... For the Petitioners.

Ms. Sonal Sinha
Ms. Sanjukta Samanta

... For the State Election Commission.

Mr. S.N. Mookherjee, Advocate General
Mr. Amitesh Banerjee, Senior Standing Counsel
Mr. Sirsanya Bandyopadhyay, Junior Standing Counsel
Mr. Piyush Agarwal
Mr. Arka Kumar Nag
Ms. Utsha Dasgupta
Ms. Shrivalli Kajaria

... For the State.

Mr. Ashoke Kr. Chakraborti, A.S.G.
Mr. Billwadal Bhattacharyya, D.S.G.I.
Mr. Ayanabha Raha

... For the Union of India.

1. Learned counsel for the parties refer to an order dated 13th June, 2023 passed by a Division Bench of this Court presided by the Hon'ble the Chief Justice in WPA (P) 250 of 2023, in which several directions have been given, which cover the prayers 'b' & 'c' of the instant writ petition.

2. Hence, the writ petitioners do not wish to press the prayers 'b' & 'c' of the instant writ petition.

3. The only prayer entertained in this writ petition is prayer 'd' which is for police protection to file nomination papers in the forthcoming three tier Gram Panchayat, Panchayat Samity and Zilla Parishad Elections.

4. The petitioners complain that on 13th June, 2023, when they went to file their nominations for the aforesaid election process, they were prevented by certain persons from doing so. Only the petitioner No.4 was able to file her nomination.

5. The State is represented by Mr. S.N. Mookherjee, learned Advocate General. It is submitted that since the petitioners have complained to the State Election Commission, it is the Commissioner who should take steps.

6. Since the last date for filing nominations is tomorrow, as a special case the Bhangar Police Station and Kashipur Police Station are directed render all assistance to the petitioners to file their nominations for the aforesaid elections in course of the day or by tomorrow.

7. The Bhangar and Kashipur Police Stations are added as party respondents to the instant proceedings.

8. Leave is granted to the learned advocate on record of the petitioners to amend the cause title in course of the day.

9. As ancillary relief in aid of the main pressed prayer, this Court deems it necessary to direct the State Election Commission to exercise powers as vested on them under

section 46(2) of the West Bengal Panchayat Election Act, 2003 and direct all concerned police stations to render necessary assistance to those candidates, who are not able to file nominations, upon receipt of complaints in this regard on or before the last date of filing nominations, i.e. tomorrow.

10. Mr. Bandyopadhyay, Junior Standing Counsel for the State shall communicate gist of this order to the Bhangar Police Station and Kashipur Police Station.

11. Mr. Bandyopadhyay shall also communicate gist of this order to Director General of Police of the State, who shall communicate to all the Superintendents of Police and Commissioners of Police in the State to ensure compliance of all orders of the State Election Commission.

12. Learned counsel for the State Election Commission shall also communicate a gist of this order to the Chief Election Commissioner of this State.

13. With the aforesaid directions, the writ petition shall stand disposed of.

14. There shall be no order as to costs.

15. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)