

06.07.2023
Item No.8
PG/KS
Ct. No.1

W.P.A. 15634 of 2023

Suvendu Adhikari & Anr.

Vs.

West Bengal State Election Commission & Ors.

Mr. Soumya Majumdar
Mr. Srijib Chakraborty
Mr. Suryaneel Das
Mr. Aditya Mondal
Mr. Deeptangshu Kar
Mr. Chiranjit Pal

.....for the Petitioners

Mr. Sukanta Chakraborty

.....for the Respondent No.5/ Union of India

Mr. Kishore Dutta, Sr. Adv.
Ms. Sonal Sinha
Ms. Sumita Shaw
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee

.....for the State Election Commission

Mr. Sirsanya Bandyopadhyay, Jr. Standing Counsel
Mr. Arka Kumar Nag

.....for the State

1. By filing this writ petition, the petitioners have highlighted certain incidents, which according to the petitioners are in gross violation of the code of conduct. When the matter was taken up in the forenoon, the learned Standing Counsel for the State Election Commission was directed to get instruction in the matter.

Thereafter, when the matter was taken up, Mr. Kishore Dutta, learned senior advocate has appeared in the matter and with regard to the averments made in paragraph 6 of the writ petition, it is submitted that on 15th June, 2023 the announcement of a scheme has been withdrawn including the phone number, which was shown in the posters.

2. With regard to the averments made in paragraph 7 of the writ petition relating to transfers and postings, it is submitted that on 24th June, 2023, necessary instructions have been issued by the Commission to the Government to withdraw all orders of transfers.
3. With regard to the allegations made in paragraph 9, it is submitted that enquiry was conducted and the allegation is factually incorrect.
4. With regard to the situation, which is prevailing in the district of Purba Medinipur, the petitioners have pointed out certain instances, where the Superintendent of Police is alleged to have been acting in a manner,

which does not instill confidence qua his official position. Furthermore, it is submitted that the said district is a very sensitive district and already portions of the district were declared as sensitive and the matter should be brought to the control of the Central Security Force.

5. In the light of the stand taken by the Commission, which is placed on record, insofar as Purba Medinipur District, when since the Election Commission has already identified few of the places as sensitive, it goes without saying that the security arrangements shall be adequately provided and wherever more number of Central Forces are to be deployed, necessary arrangements may be made in this regard in discussion with the Inspector General, B.S.F., who has been nominated as the Force Coordinator. Such decision shall be taken by the Commission within 24 hours from date.

6. Once again, we reiterate that what has been stated in the earlier orders that Commission should endeavour to do within all its means to ensure free and fair elections and preserve the

purity of the elections and the public shall have no other apprehension in the mind to exercise their franchisee on 8th July, 2023.

7. With the above observations, the writ petition stands disposed of.

8. No costs.

9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)