

05-07-2023
ct no. 14
Sl. 22
Sayandeep

WPA 15832 of 2023

Sk. Ahadulla & Ors.

-Versus-

The West Bengal State Election Commission & Ors.

Mr. Sandipan Das

.....for the petitioners

Mr. Amitesh Banerjee

Mr. Tarak Karan

.....for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities, particularly, the Superintendent of Police, Howrah Rural to provide adequate police protection to the petitioners so that they can return back to their village, reside peacefully and caste their vote in the ensuing Panchayat Election.

Affidavit-of-service filed on behalf of the petitioners is taken on record.

Learned counsel appearing for the petitioners as follows. The application has been filed by the 57 number of petitioners. They are the residents of village Chandrapur Anchal in the district of Howrah under the jurisdiction of Amta P.S. They are the supporters of the CPI(M) party. Immediately after the State Election of

2021, they were ousted from their homes by the anti-socials belonging to the ruling party. Till date they have not been able to return. Now, they have mustered enough courage to return to their homes and also cast their vote in the ensuing Panchayat election. Accordingly, they have prayed for police protection. In the Police cases started against some of the petitioners, they have already been granted bail.

Learned Senior Standing Counsel representing the State submits as follows. Because of the oncoming Panchayat election, it is difficult to provide police personnel for giving security to individuals. Upon instructions, it is submitted that petitioners actually do not stay in the village and work outside. However, if the petitioners want to return to their respective residences and pray for police protection, the same can be granted to them. However, out of the petitioners against whom police cases had been started against some warrant of arrest may be pending.

I have heard the submissions of learned counsel appearing on behalf of the parties and have perused the writ petition.

The petitioners constituted a sizeable group who claimed that they had been ousted

from residence as an aftermath of the violence that ensued after the elections of 2021 and they claimed that they have not been able to return to their homes till now.

Be that as it may, every citizen has a right to live at his own place of residence. If necessary, police protection shall have to be given to them for securing such rights.

In view of the above and in the interest of justice, this Court is inclined to pass the following directions.

- i) The respondent authorities under the aegis of the superintendent of Police, Howrah Rural, shall give adequate police protection to the petitioners for their return home upon the petitioners submitting the details of the date, time and route for such return.
- ii) After their return to the village, a police picket of two armed police constables shall be posted near their residence and/or in their locality and the same shall be kept for a period of one month from such date.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Learned counsel for the petitioner shall be at liberty to communicate a gist of this order.

(Jay Sengupta, J.)