

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

WPA 16065 of 2023

Fajila Laskar
-Versus-
State of West Bengal & Ors.

Mr. Anjan Dutta
.....for the petitioners
Mr. Amal kr. Sen
Mr. Jaladhi Das
.....for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent Authorities to lodge an FIR on the letter of complaint of the petitioner dated 23.06.23, to implement the order passed by this Court in WP(P) 525 of 2022, and grant police protection to the petitioner.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. As an aftermath of State Elections of 2021, violence was organized on several parts of the State by the supporters of the ruling

dispensation. In the area where the petitioner lives, the miscreants belonging to the said party set on fire 166 houses and drove away around 400 people from their residences. This led to the filing of the writ petition being WP(P) No. 525 of 2022. Directions were passed. Some steps were taken, but all the directions were not properly complied with by the respondent authorities. The same miscreants now have attacked the petitioner and her family members because she is contesting the Panchayat elections representing an opposition party. Despite making a representation before the Superintendent of Police in this regard, no FIR was registered. Nor has any police protection been given to the petitioner. The petitioner fears for the life and property of herself and her family members. Only a few days ago, a political murder had taken place in that area. As reported, the area is still tense.

Learned counsel appearing for the State relies on the report and submits as follows. The directions passed in the PIL have been complied with. Certain

grievances ventilated by the present petitioner earlier have also been redressed by taking appropriate steps. But, the complaint made by the petitioner on 23.06.2023 was not even addressed to the Officer-in-charge of the local Police Station. However, since the complaint was made to the Superintendent of Police and others, the same is being looked into.

I have heard the submissions of the learned counsel appearing for the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner is having a genuine apprehension that some harm may be caused to her because she is contesting in the ensuing elections. The particular area had earlier witnessed violence in the year 2002.

However, the petitioner needs to file a formal complaint addressing Officer-in-Charge of the local Police Station so that the same may be registered as an FIR if a cognizable case is made out. The petitioner shall be at liberty to lodge such complaint before the local Police Station.

The respondent authorities shall ensure the security of the petitioner by granting her police protection of an armed police constable forthwith till 7 days from the date of the polls i.e., 08.06.2023.

With these observations, the writ petition is disposed of accordingly.

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

(Jay Sengupta, J.)