

23 07.07.2023
NB Ct. 14

WPA 16096 of 2023

Tulsi Das Mahapatra & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. Pritam Roy,
Mr. Soewel Bhattacharjee.
...for the petitioner.

Mr. Amal Kr. Sen Id. AGP,
Mr. Jaladhi Das.
....for the State.

Mr. Sukanta Chakraborty,
Ms. Debapriya Samanta.
...for the respondent no.7.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent nos.2 and 3 to take provide armed security guards to the petitioners who are the candidates in the ensuing Panchayat Election.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the candidates belonging to an opposition political party who are contesting for the ensuing Gram Panchayat Election. The miscreants belonging to the ruling party have been threatening and intimidating the petitioners so that they could not participate in the election process. The situation has become such that without being afforded personal security guards, they would not be able to participate any further in the election process. A

prayer made was not taken into consideration by the respondents.

Learned counsel representing the State submits as follows. First there is no such provision which allows providing personal security guards to each of the 65 contesting candidates. Moreover, it is not possible to do the same because of the paucity of the security personnel. Police persons from different places had to be brought in and engaged in the election process.

At this stage, learned counsel appearing on behalf of the petitioner submits that, for the present, it would suffice if the respondent authorities put three police pickets under the Potashpur Police Station so that the same would cover more or less the whole area which goes to elections so far as the petitioners are concerned. Only, the petitioner no.65 may be provided with personal security as he is coming from outside.

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

It appears that the petitioners are the candidates in the ensuing elections and they are to participate in the same. They are apprehending threat to life and property.

However, for them it would suffice if police pickets are posted at three different places in the area under the Potashpur Police Station, the three such areas indicated by the petitioners being Ballygobindapur, Jagda Bazar and Bhairabdari Bazar.

In view of the above and in the interest of justice, I direct the respondent authorities to post their police pickets at the

aforesaid place being Ballygobindapur, Jagda Bazar and Bhairabdari Bazar .under the Potashpur Police Station. Each police picket shall consist of two armed police constables. The respondent authorities shall also provide one-armed police constable as security personnel to the petitioner no.65, namely Chandra Shekhar Mondal for two days as he comes from a different area.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)