

Sl. 3
07.07.2023
ssi
Ct 14

WPA 16182 of 2023

Sekhar Giri & ors.

-vs-

State of West Bengal & ors.

Ms. Chandreyi Alam (Gupta)
Mr. Pradip Kr. Mondal
Mr. Subhojit Das

...for the petitioners

Mr. Amitesh Banerjee
Mr. S. Adak

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities not to disturb them on or not to take any coercive measures in respect of all the three cases started against some or other of the present petitioners.

Learned senior counsel representing the petitioners submits as follows. The petitioner no.1 is an election agent and the rest of the petitioners are candidates participating in the oncoming Panchayet Election. They belong to an opposition political party. The miscreants belonging to the ruling party had been threatening and harassing them so that they could not participate in the election process. The Administration has also restored to filing false cases against them. Some of such cases filing against the petitioners are Maipith Police Station Case No. 51 of 2023, Kultali Police Station Case No. 453 of 2023 and Jharkhali Coastal Police

Station Case No. 63 of 2023. These were instituted on 18.06.2023, 05.07.2023 and 04.07.2023 respectively.

Learned counsel appearing on behalf of the State opposes the prayer and submits that some of the provisions imputed against the petitioners are quite serious.

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

All the three cases started are found to be of very recent origin.

Be that as it may, the petitioners should not be prevented from participating in the election process. More so, because the poll is scheduled to take place tomorrow i.e. on 08.07.2023.

Considering the exigency and in the interest of justice, the respondent authorities are directed not to take any coercive measures against the petitioners in this respect till 14.07.2023.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be delivered to the learned advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)