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10.07.2023
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16267 of 2023

**Sri Prafulla Kumar Sardar
-versus
The State of West Bengal & Ors.**

**Mr. Sanjib Kumar Mukhopadhyay,
Mr. Nilanjan Adhikari.
...For the Petitioner.**

**Ms. Sonal Sinha,
...For the State Election Commission.**

**Mr. Amal Kumar Sen,
Ms. Sahina Sumi.
...For the State.**

The petitioner claims to be the existing District Vice President of South 24-Pargnas (I) District Congress Committee under the Indian National Congress.

The petitioner has averred in the writ petition that after the election was over and the local leaders and candidates of the said political party went to P.K. High School, Raspunja, Bishnupur, District- South 24-Parganas for depositing the ballot boxes, the goons hired by the ruling party did not allow the candidates to seal the ballot boxes and have practically driven them out from the said school premises where the ballot boxes were kept in the strong room under threat of dire consequences.

One of the supporters of the said political party was mercilessly beaten up in presence of the local police who did not take any action against the miscreants.

The matter was brought to the notice of the Block Development Officer and the Panchayat Returning Officer, Thakurpukur-Maheshtala Block and prayer has been made for deployment of Central Forces in the P.K. High School, Raspunja counting station.

The petitioner apprehends that the hooligans deployed by the ruling political party may not allow the counting of the ballot papers properly and may not allow the counting agents of the petitioner's political party to remain present in the counting table.

Representation was filed by the District President of the political party of the petitioner before the respondent authorities seeking relief.

Reference has been made to the order passed by this Court on 5th July, 2023 in WPA 15759 of 2023 (Manoranjan Halder -vs- State of West Bengal & Ors.) in connection with the same counting centre.

Learned advocate appearing for the Commission submits, upon instructions, that the order passed by the Hon'ble PIL Bench on 4th July, 2023 in WPA(P)/336/2023 (Sangrami Joutha Mancha & Anr. -vs- State of West Bengal & Ors.) is complied with in letter and spirit.

All necessary arrangements have been made for deployment of Central Forces in all counting stations.

It has been submitted that the apprehension of the petitioner does not have any basis at all.

Learned advocate appearing for the State respondents submits that the political party against whom allegations are being made not being impleaded as party respondent in the present writ petition, the allegation ought not to be admitted.

It has been submitted that the State police has given necessary protection as and when required.

After hearing the submissions made on behalf of both the parties, it appears that a similar apprehension was expressed by a different individual and a writ petition was moved before this Court. An order was passed by the Hon'ble Court on 5th July, 2023 in the matter of Manoranjan Halder (supra) wherein it was specifically directed that the State Election Commission shall act in strict accordance with the direction passed by the Hon'ble PIL Bench in Sangrami Joutha Mancha (supra).

The present writ petition has been filed by a different individual expressing the same apprehension as expressed in Manoranjan Halder (supra).

It is for the State Election Commission and the police authority to ensure that the apprehension of the petitioner is duly taken care of and the direction passed by the Hon'ble Division Bench in the PIL is strictly complied with.

The State Election Commission, the Superintendent of Police, South 24-Parganas, the Officer-in-Charge, Kalitala Ashuti Police Station and the

Nodal Officer being the I.G., BSF are directed to ensure that there are adequate security arrangement and police force available on the date of counting at the P.K. High School, Raspunja counting center and the agents of the political parties who are involved in the election process are permitted to enter and exit the counting centre at the time of counting the ballot papers.

All the aforesaid authorities shall act in tandem so that there is no breach of peace in and around the counting center and there is no disruption or disturbance in the process of counting.

The entire process of counting shall be videographed and the video footage shall be properly preserved. The footage may be required to be produced in Court as and when directed.

Learned advocate for the petitioner is directed to communicate this order to the respondent authorities for ensuring compliance.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)