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08.08.2023
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Ct 14

WPA 18132 of 2023

Pijush Das
-vs-
State of West Bengal & ors.

Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Soewel Bhattacharjee
...for the petitioner
Mr. Amitesh Banerjee, Ld. Sr. St. Counsel
Mr. Tarak Karan
...for the State

This is an application praying for a direction upon the respondent authorities to release the petitioner if the petitioner is arrested subsequently in connection with any pending and other cases and to restrain the respondents from registering any FIRs against the petitioner without the leave and to direct the respondent authorities not to take any coercive measures in respect of the four cases already instituted till after the formation of the board consequent to the Panchayat Election.

Learned counsel appearing on behalf of the petitioner submits that at this stage, the petitioner would not press the other prayers made in the writ petition and would only pray for a direction upon the respondent authorities not to take any coercive measures in respect of four specific FIRs already registered namely, Nandigram Police Station Case No. 1050 dated 13.07.2023, 1070 dated 14.07.2023, 1066

dated 14.07.2023 and 1118 dated 21.07.2023. The petitioner is a winning candidate belonging to an opposition political party. The formation of board for the Panchayat is to take place on 10.08.2023. The four FIRs have been registering at the behest of the opponents only to ensure that the petitioner cannot participate during the formation of the board. In view of the same, till 11.08.2023 the respondent authorities may not take any coercive measures against the petitioner so that after the formation of the board, the petitioner can take necessary legal steps for seeking regular relief before Courts of law.

Learned senior standing counsel representing the State denies the allegations and submits that the petitioner is at liberty to seek relief before the ordinary Court of law.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that the petitioner is a winning candidate in the constituency of the Gopalchak Gram Panchayat. He is supposed to take part in the democratic process of formation of board for the Gram Panchayat on 10.08.2023. He has further claimed that the four above mentioned cases were started and/or the petitioner was tagged in the same, so that he could not participate in the process of board formation.

The petitioner also undertakes that he would, immediately after the completion of the board formation process, pray for appropriate relief before the regular Criminal Court.

It appears that the petitioner has made out a case for a limited protection for him to participate in the process of board formation. Immediately after that, he should be at liberty to seek appropriate relief before the regular Criminal Court.

In view of the above and in the interest of justice, I direct the respondent authorities not to arrest the present petitioner in connection with the four cases as referred to above till 11.08.2023.

With these observations, the writ petition is dispose of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)