

WPA 18968 of 2023

Salema Bibi & ors.

-vs-

The State of West Bengal & ors.

Mr. Sabyasachi Chatterjee

Mr. Masud Malik

Mr. Imtiaz Akhtar

....for the petitioners

Mr. Sirsanya Bandopadhyay

Mr. Arka Kr. Nag

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide police protection to the winning candidates so that they can participate in the board formation meeting and not to take coercive measures against petitioner no.14 in respect of Pukhuria Police Station Case No. 264 of 2023 dated 06.07.2023 under Sections 448, 323, 325, 354, 307 and 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 1 to 14 are the winning candidates for Maharaj Gram Panchayat in the district of Malda and the rest of the petitioners are their relatives. They belong to an opposition political party. The miscreants belonging to the ruling party had been harassing and intimidating the petitioners so that they can participate in the board formation process. Even a false case has been

foisted against one of the winning candidates being the petitioner no.14. The petitioners apprehend that the miscreants would prevent the concerned petitioners from participating in the board formation process. The petitioners have prayed for police help, but the same has not been granted yet.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. Security arrangements have already been made in the locality so that no breach of peace takes place. In spite of this, if the petitioners apprehend some kind of problem in reaching the venue in time, they may report to the local police station for necessary help.

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

It appears that the petitioner nos. 1 to 14 are the winning candidates of Maharaj Gram Panchayat in the Panchayat Election of 2023. The board formation is to take place on 10.08.2023 at 12 PM. The petitioners apprehend that some miscreants might prevent them from attending the board formation meeting.

In view of the above and in the interest of justice, let the petitioner nos. 1 to 14 report to the Officer in Charge of Pukhuria Police Station tomorrow i.e. on 10.08.2023 at 10:00 AM so that the officer can make adequate police arrangement to escort the petitioners to the Gram Panchayat

Office for them to participate in the meeting. The respondent police authorities shall keep a strict vigil and ensure that no breach of peace takes place.

So far as the petitioner no. 14 is concerned, the Investigating Agency shall not arrest him in connection with the Pukhuria Police Station Case No. 264 of 2023 till 11.08.2023.

With these directions, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

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

(Jay Sengupta, J.)