

SI 01 07.08.2023
NB Ct. 14

WPA 19024 of 2023

Shilpi Ghosh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.

...for the petitioners.

Mr. Amitesh Banerjee Id.Sr.Standing Counsel,
Mr. Tarak Karan.

....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, directing immediate release of the husband of the petitioner no.1, a winning candidate in the Gram Panchayat Election so that he can take part in the democratic process of Board formation of Habibpur Gram Panchayat and ensure police protection to the other respondents for the purpose of attending such meeting.

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 petitioner is the wife of the winning candidate in the Habibpur Gram Panchayat Election who was earlier granted police protection in a case so that no coercive measures be taken against him. He obtained bail in that case. But, he has been arrested in another case. The petitioner nos.2 to 11 are the winning candidates, either independent or belonging to a political party, and they apprehend that efforts will be made by the agents of the ruling dispensation to prevent

them from attending the Board formation process at the Habibpur Gram Panchayat tomorrow i.e. on 8th August, 2023 at 11.30 a.m. They seek protection for going to the venue and further arrangement may be made by the respondent authorities so that the petitioner no.1 who was earlier arrested can participate in the process of Board formation.

Learned senior standing counsel representing the State submits as follows. The allegations made by the petitioners are denied. Further, if the petitioner nos.2 to 11 apprehend that they may be prevented from attending the Board formation process by any miscreants, they can fairly report to the local police station so that necessary police arrangements may be made for them to exercise their democratic rights.

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

It appears that petitioner nos.2 to 11 are the winning candidates at Habibpur Gram Panchayat. The husband of the petitioner no.1 and the other petitioners have a right to participate in the democratic process of Board formation.

It further appears that the petitioners are apprehending that efforts would be made by miscreants to stop them from attending the venue tomorrow i.e. on 8th August, 2023 at 11.30 am.

In view of the above and in the interest of justice, I pass the following the directions.

- (a) The respondent police authorities shall make adequate arrangements so that the husband of the

petitioner no.1 is able to be present at the Habibpur Gram Panchayat Office to take part in the process of Board formation as a winning candidate. If by then, the petitioner is sent to Judicial custody, the police authorities shall make adequate applications and arrangements to take him to the Gram Panchayat Office under appropriate police protection.

- (b) The petitioner nos.2 to 11 shall be at liberty to report to the Officer-in-Charge of the Ranaghat Police Station by tomorrow i.e. 8th August, 2023 at 10 am. so that they can make adequate police arrangement to take them to the Habibpur Gram Panchayat office for their participation in the Board formation process at 11.30 am.
- (c) The above directions shall be carried out by the corresponding respondent authorities under the direct supervision of the Superintendent of Police, Ranaghat Police Division.

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.)

