

10 08.08.2023
NB Ct. 14

WPA 19087 of 2023

Bapi Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee,
Mr. Ajit Kumar Mishra,
Mr. Abhishek Dey.
...for the petitioners.

Mr. Amitesh Banerjee Id.Sr.Standing Counsel,
Ms. Ipsita Banerjee,
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 to protect the life and liberty of the petitioners who are the winning candidates in the Gram Panchayat Election and are to take part in the democratic process of Board formation of Krishnapur Gram Panchayat and to ensure police protection 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 petitioners are the winning candidates in the Gam Panchayat Elections for the Krishnapur Gram Panchayat, South 24-Parganas. They have come to know that there is an FIR being Mandir Bazar Police Station FIR No.316 dated 05.07.2023 in connection with which the police might want to detained them so that they cannot participate in the ensuing meeting for Board formation process that is to take place on 10th August, 2023 at 12 pm. in Krishnapur Gram

Panchayat Office. They are not even named in the FIR. They are seeking a relief of no coercive steps only till 11th August, 2023, so that they can pray for relief before the regular Court immediately after the formation of the Board.

Learned senior standing counsel representing the State denies the allegations. He relies on the report and submits that it is open to the petitioners to seek relief before the regular criminal Court.

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 the petitioners are the winning candidates in the Gram Panchayat Elections. They are supposed to participate in the meeting for Board formation process on 10th August, 2023 at 12 pm.

From the perusal of copies of the injury reports attached to the report filed by the State, it does not appear that the petitioners' names have been specifically taken by the injured while the names of some others had been taken.

Be that as it may, it shall be open to the petitioners to seek appropriate relief before the regular criminal Court in due course.

In order to take part in the democratic process of formation of Board by the petitioners consequent to the Panchayat Elections, I direct the respondent authorities not to arrest the petitioners in connection with Mandir Bazar Police Station FIR No.316 dated 05.07.2023 till 11th August, 2023.

The respondent police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place.

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.)