

08-08-2023
Item No.12
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.19131 of 2023
Md. Imam Hossain & Ors.

-VS-

**The Secretary of West Bengal Election Commission &
Ors.**

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Kiran Sk.
Mr. Dipankar Dey
Ms. Indrani Roy
Ms. Priyanka Paul
Mr. Suman Sarkar ...for the petitioners

Md. Galib
Mr. Gourav Das ...for the State

Mr. Arun Kumar Maiti
Mr. Tirtha Pati Acharyya ...for the Union of India

Mr. Anuran Samanta ...for the respondent no.3

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent-authorities to provide adequate security to the petitioners so that they can participate in the board formation process that is to take place in Tenakaraipur Balumati Gram Panchayat to be held on August 10, 2023 at 12 noon.

Learned counsel appearing for the petitioners submits as follows. The petitioners are the winning candidates in the gram panchayat elections in the Tenakaraipur Balumati Gram Panchayat. They belong to the opposition political party. They are being harassed

and intimidated by the miscreants belonging to the ruling party so that they cannot participate in the board formation process. False cases are lodged against the petitioners. In one such case being Islampore PS Case No.237 of 2023 dated June 10, 2023 the petitioner no.3 has been made an accused. The other accused have already been granted bail. Only the prayer for bail of the petitioner no.3 is pending before a court of law. An order may be passed so that no coercive action in this regard is taken till after the meeting takes place for formation of board. Since the miscreants might try to prevent the petitioners from attending the meeting, police protection is required so that they can reach the venue in time.

Learned counsel for the State submits as follows. The allegations made by the petitioners are denied. The petitioner no.3 shall be at liberty to approach the regular court for appropriate relief. However, without prejudice, if the petitioners fear for their lives, they can approach the local police station for adequate police force.

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

So far as the FIR as referred to above is concerned, it is submitted by the petitioners that some of them have already been granted bail but the bail application of petitioner no.3 is pending.

To facilitate the petitioners taking part in the board formation process, it is directed that the respondent-authorities shall not arrest the petitioner no.3 in connection with the above referred case till August 11, 2023. Thereafter, the petitioners shall be at liberty to pursue regular relief before the appropriate court of law.

Since the petitioners apprehend that efforts may be made to prevent them from going to the venue and participate in the board formation process, let the petitioners report to the officer-in-charge of the Islampore police station on August 10, 2023 at 10 a.m. so that adequate police protection can be made to escort them for their travel to the venue. Even thereafter the police authorities shall maintain a strict vigil at the locale so that no breach of peace takes place.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to be admitted by the respondents.

With the above observations, WPA No.19131 of 2023 is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

[Jay Sengupta, J]

