

08-08-2023
Item No.13
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.19133 of 2023
Namita Sarkar & Ors.

-VS-

The State of West Bengal & Ors.

Mr. Sourav Chatterjee
Mr. Moukh Mukherjee
Ms. Soewel Bhattacharjee
Ms. Sagnika Banerjee ...for the petitioners

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee ...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 adequate security to the petitioners so that they can participate in the board formation process for the gram panchayat concerned scheduled for tomorrow i.e. on August 9, 2023 at 11.30 a.m.

Learned counsel appearing for the petitioners submits as follows. The petitioners are the winning candidates in the gram panchayat elections. 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. They have sought police protection before the concerned authority, which has not been granted yet.

Learned counsel for the State submits as follows. The allegations made by the petitioners are denied.

However, without prejudice, if the petitioners fear for their lives, they can report to the local police station seeking adequate police arrangement so that they may be escorted by the police to the respective gram panchayat offices.

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

It appears that the petitioners are the winning candidates in respect of two gram panchayats. Boards are to be formed tomorrow i.e. on August 9, 2023 at 11.30 a.m. The petitioners apprehend that the local miscreants might try their best to prevent them from forming the board.

This Court is of the view that some protections need to be given to the petitioners so that they can participate in the democratic process of formation of boards.

In view of the above and in the interest of justice, I direct the petitioners no.1-12 to report to the officer-in-charge of Dhantala police station at 9.30 a.m. tomorrow i.e. on August 9, 2023 so that the said officer can make arrangements for adequate police protection to escort the petitioners to the venue of the board formation meeting at Ranaghat Block-II-Raghunathpur Hijuli-II Gram Panchayat office. Let the petitioners no.13-29 similarly report to the officer in charge of Gangnapur police station at 9.30 a.m. tomorrow i.e. on August 9, 2023 so that the said officer can make arrangements for adequate police protection to escort the petitioners to the venue of the board formation meeting at Ranaghat Block II-Debagram Gram Panchayat office.

Even thereafter, the respondents police authorities shall maintain a strict vigil at the locale and ensure 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.19133 of 2023 is disposed of. No order as to costs.

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]

