

08-08-2023
Item No.14
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.19135 of 2023
Sarwarddi Mondal & Ors.

-vs-

The State of West Bengal & 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

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu ...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 for the gram panchayat concerned scheduled on August 10, 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 in the Herampur 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. 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 for adequate police force 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 the gram panchayat election. Boards are to be formed on August 10, 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 certain 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 to report to the officer-in-charge of Islampore police station at 10.00 a.m. on August 10, 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.

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.19135 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]