

15 08.08.2023
NB Ct. 14

WPA 19136 of 2023

Bikash Bharati & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sourav Chatterjee,
Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee.
...for the petitioners.

Mr. Amitesh Banerjee Id.Sr.Standing Counsel,
Ms. Ipsita Banerjee.
....for the State.

Mr. Arun Kr. Maiti,
Mr. Tirthapati Acharyya.
...for the added respondents, UOI.

Leave is granted to add Union of India as party respondents.

A copy of the writ petition is handed over to the learned counsel appearing for the Union of India.

At the outset, learned counsel appearing on behalf of the petitioners submits that he would not like to press the petition so far as the petitioner nos.1 to 68 and 88 are concerned because their date of Board formation is different. The said petitioners would pray for leave to file fresh writ petition/s on the selfsame grounds and cause of action.

Accordingly, the writ petition is disposed of as not pressed so far as the petitioner nos.1 to 68 and 88 are concerned. However, liberty is granted to the said petitioners to file fresh writ petition/s on the selfsame grounds and cause of action.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.69 to 87 and 89 to 113

are the winning candidates in the Gam Panchayat Elections belonging to the opposition political party. The miscreants belonging to the ruling political party had been harassing and intimidating the petitioners. It is apprehended that those miscreants might stoop to any extent to prevent the petitioners from attending the process of meeting for Board formation. The meeting for Board formation for the Block Nos.1 to 5 in Nandigram Block 1 and Block 2 are scheduled to take place on 10th August, 2023 at 11.30 am. Some police protection may be granted so that the petitioners are able to attend the meeting at the said venue and exercise their democratic rights to participate in the meeting for Board formation. There are number of open ended FIRs lodged in the area. It is apprehended that the State might suddenly involve the petitioners in the said cases and prevent them from participating in the meeting.

Learned senior standing counsel representing the State express his inability to provide personal security to so many of the petitioners who would be attending such meeting. The allegations made in the writ petition are vehemently denied.

Learned counsel appearing on behalf of the Union of India submits that he will not be able to provide the armed CISF/CRPF as personal security guards to the petitioners. But, an effort will be made to provide adequate number of personnel to provide security.

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

It appears that the petitioner nos.69 to 87 and 89 to 113 are the winning candidates for the Nandigram Gram Panchayat Block Nos.1 to 5 in Nandigram Block No.1 and 2. The meeting for Board formation is to take place on 10th August, 2023 at 11.30 am.

In view of the above, let the Union of India provide adequate number of armed security personnel to the petitioner nos.69 to 87 and 89 to 113, so that they can be escorted to the venue of meeting on 10th August, 2023.

To facilitate the exercise of the democratic rights of the petitioners to participate in the process of formation of Board, the respondent police authorities shall not arrest the petitioners in connection with all the eighteen cases mentioned in the writ petition i.e. Nandigram PS Case nos.838 of 2021, 797 of 2021, 705 of 2021, 798 of 2021, 794 of 2021, 799 of 2021, 126 of 2023, 924 of 2023, 1639 of 2022, 131 of 2022, 525 of 2021, 527 of 2021, 102 of 2022, 87 of 2023, 105 of 2023, 86 of 2023, 1061 of 2023 and 1066 of 2023 till 11th August, 2023.

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

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

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.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)