

Sl. 3
08.08.2023
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Ct 14

WPA 19199 of 2023

Barnali Bag Hait & ors.

-vs-

State of West Bengal & ors.

Mr. Sachit Talukdar

Mr. Karan Bapuli

...for the petitioners

Mr. Biswabrata Basu Malick

Mr. Parikshit Goswami

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to render assistance and police protection to the petitioners for the return to residence and so that they can participate in the meeting for board formation of the Kashinagar Gram Panchayat to be held on 10.08.2023 at 11 AM and for a relief that no coercive steps should be taken against the petitioner nos. 8 to 10 in respect of Raidighi Police Station Case No. 398 dated 12.07.2023.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the winning candidates belonging to the opposition political party in respect of Kashinagar Gram Panchayat in the Panchayat Election. The board formation is to take place on 10.08.2023

at 11:00 AM. The miscreants belonging to the ruling political dispensation made it quite impossible for the petitioners even to return to their homes. It is apprehended that they will not allow the petitioners to participate in the board formation meeting. Therefore, the petitioners pray for some police protection for escorting them to the venue on the particular day. In respect of one Raidighi Police Station Case No. 398 dated 12.07.2023, the petitioner nos. 8 to 10 had been issued notices under Section 160 of the Code to appear before the police station. The petitioners complied with the notice. Again the police are verbally asking them to meet the Investigating Officer. Some kind of protection may be granted at least till after the meeting for formation of the board.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. There is no mention of any specific incident that might prevent the petitioners from entering into their own residence. There is no indication of any fresh notice either under Section 160 of the Penal Code asking the petitioner nos. 8 to 10 to appear before the police station in connection with the criminal case. However, if the petitioners are still in fear of their lives in respect of participating in the democratic process of formation of board, they are at liberty to approach the local police station to seek adequate protection.

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

It appears that the petitioners are the winning candidates of the opposition party and they are apprehending disturbance by miscreants in the event they want to enter their residence and participate in the ensuing board formation meeting.

In view of the same, this Court is of the view that some kind of protection may be granted to the petitioners to participate in the meeting for board formation.

The petitioners shall report to the Officer in Charge of Raidighi Police Station on 10.08.2023 at 9:00 AM, so that the Officer can make adequate police arrangement for escorting them to the venue of the meeting.

Even thereafter, the police shall keep a strict vigil and ensure that no breach of peace takes place.

So far as, the notice in respect of the criminal case issued to the petitioner nos. 8 to 10 is concerned, it appears that no fresh written notes was issued in this regard.

The police authorities shall be at liberty to issue such a notice under Section 160 of the Code asking the petitioner nos. 8 to 10 to report to them after 10.08.2023.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

Parties shall act on a server copy downloaded from the

official website of this Court.

(Jay Sengupta, J.)