

12 09.08.2023
NB Ct. 14

WPA 19218 of 2023

Dhirendra Mistri & Ors.
Vs.
The State of West Bengal & Ors.

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

Mr. Amitesh Banerjee Id.Sr.Standing Counsel,
Mr. Suddhadev Adak.
....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 police protection to the petitioners who are the winning candidates in the Gram Panchayat Election till the Board of Members are formed in the respective Gram Panchayats.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the winning candidates in the Gram Panchayat Elections who belong to the opposition political party. The Boards in respect of the Gram Panchayats are to be formed on 10th August, 2023 at the respective Gram Panchayat Offices at 11.30 am. The petitioners apprehend that the local miscreants belonging to the ruling dispensation would prevent them from going there to form Board. They have sought police protection before the concerned authority, which has not been granted yet.

Learned senior standing counsel representing the State submits as follows. The respondents strongly deny the allegations made in the writ petition. However, if the petitioners are apprehending some kind of danger, they can report to the corresponding police stations at a particular time so that they may be escorted by the police to the respective Gram Panchayat Offices.

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 petitioners are the winning candidates for three Gram Panchayats. The Board is to be formed tomorrow i.e. on 10th August, 2023 at 11.30 am.

The petitioners apprehend that the local miscreants might try their best to prevent them from participating in the Board formation process.

In view of the above and in the interest of justice, the petitioner nos.1 to 15 who are the winning candidates of Duttapulia Gram Panchayat under Ranaghat Block II shall report to the Officer-in-Charge, Dhantala Police Station tomorrow i.e., on 10.08.2023 at 10 a.m. so that the concerned Officer can make arrangements for adequate police protection for them to be escorted to the Duttapulia Gram Panchayat Office for participating in the process for formation of Board. Similarly, the petitioner nos.16 to 25 who are the winning candidates of Babla Gram Panchayat under Santipur Block and also the petitioner nos.26 to 37 who are the winning candidates of Baganchra Gram Panchayat under Santipur Block shall

report to the Officer-in-Charge of Santipur Police Station tomorrow i.e. on 10th August, 2023 at 10 am. so that the concerned police officers can make arrangements for adequate police protections for them to be escorted to the concerned Gram Panchayat Offices for participating in the process of formation of Board tomorrow i.e. on 10th August, 2023 at 11.30 am.

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

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.

(Jay Sengupta, J.)