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10.08.2023
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Ct 14

WPA 19403 of 2023

Subhankar Jana & ors.
-VS-
State of West Bengal & ors.

Mr. Sourav Chatterjee
Mr. Moyukh Mukherjee
Mr. Soumya Nag
Ms. Sagnika Banerjee

....for the petitioners

Mr. Arun Kumar Maiti
Mr. Tirthapati Acharyya

...for respondent nos. 5 & 7

Mr. Amitesh Banerjee
Mr. Suddhadev Adak

...for the State

This is an application praying for a direction upon the respondent authorities to provide security to the petitioners who are the winning candidates in the Gram Panchayat Election so that they can participate in the meeting for formation of board tomorrow i.e. on 11.08.2023.

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

A chart providing details of the petitioners in respect of the corresponding Gram Panchayat as filed in Court 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 election 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 all the petitioners are to take place tomorrow at the respective Gram Panchayat Offices i.e. on 11.08.2023 at 11 AM. Protection may be given so that the petitioners are able to attend the meeting at the said venue and exercise their democratic rights. 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 expresses 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 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 in each block.

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

It appears that the petitioner nos. 1 to 26 are the winning candidates for Gram Panchayats under Nandigram Block-I and the petitioner nos. 27 to 47 are the winning

candidates for Gram Panchayats under Nandigram Block –II. The meeting for board formation is to take place on 11.08.2023 at 11 AM.

In view of the above, let the Union of India provide adequate number of armed security personnel to the petitioners so that they can be escorted to the venue of the meeting on 11.08.2023 in both the blocks.

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 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 12th August, 2023.

The respondent police authorities shall keep 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 be supplied to the parties, if applied for, as early as possible.

Parties shall act on a server copy of this order downloaded from the official website of this Court.

(Jay Sengupta, J.)