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17.08.
2023
Ct. No.14

WPA 19599 of 2023

Rahul Sardar & Ors.
Vs.
The State of W. B. & Ors.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
.....For the Petitioners
Mr. Suman Sengupta
Mr. Sambuddha Dutta
.....For the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to protect the life and liberty of the petitioners who are the winning candidates in the Gram Panchayat Election and are to take part in the democratic process of Board formation of Krishnapur Gram Panchayat and to ensure police protection for the purpose of attending such meeting and a direction upon the respondent authorities not to take any coercive steps against the petitioner nos. 2 and 11 in connection with Mandir Bazar Police Station Case No. 316/23 dated 05.07.23.

Report filed on behalf of the State 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

for the Krishnapur Gram Panchayat, South 24 Parganas. They have come to know that there is an FIR being Mandir Bazar Police Station case No. 316/23 dated 05.07.23 in connection with which the police might want to arrest the petitioner nos. 2 and 11 so that they cannot participate in the ensuing meeting for Board formation process on 19th August, 2023. Earlier the date for Board formation process was 10th August, 2023. Accordingly, the petitioners had prayed for some relief. The same was granted by order of this Court dated 08.08.23 in WPA 19087 of 2023. Similar directions may be granted in respect of the next date fixed for Board formation process.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. After the order of protection was granted by this court on 08.08.2023, no coercive steps had been taken against the petitioner nos. 2 and 11 in respect of the case in question. Out of the petitioners, only the petitioner nos. 2 and 11 are named as accused in the FIR.

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

It appears that the petitioners are the winning candidates in the Gram Panchayat Election. They are

now supposed to participate in the meeting for Board formation process on 19th August, 2023 at 12 noon.

On 08.08.23 this Court had considered the submissions of the learned counsels for the parties and the report filed by the State containing some injury reports and thereafter, passed certain directions.

In view of the above and in respect of justice, I direct the respondent authorities not to arrest the petitioner nos. 2 and 11 in connection with Mandir Bazar Police Station Case No. 316/23 dated 05.07./23 till 20th August, 2023.

The respondent authorities shall provide adequate police arrangement at the venue of such meeting on 19th August, 2023 so that no breach of peace takes place.

With these observations the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

