

14.08.2023.
Court No.14
Item No. 02(SL)
pk

W.P.A. No. 19733 of 2023

**Md. Habib and others
Versus
State of West Bengal and others**

Mr. Sabyasachi Chatterjee,
Mr. Biswarup Mukherjee,
Mr. Omar Faruk Gazi,
Mr. Soumajit Chowdhury,
Mr. Indranil Munshi,
Mr. Subhrajit Saha

...For the petitioners.

Mr. Suman Ghosh,
Mr. Nirmalya Roy

... For the State.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondents, especially respondent nos. 3 to 5, not to interfere with the democratic process and illegally delay the scheduled meeting and deploy adequate number of forces and/or Central Forces in case of shortage of adequate forces so that the board of members of Harischandrapur Panchayat Samity can be selected on 14.08.2023 at 3 p.m.

This matter is being moved today at 2.20 p.m. Therefore, the order passed has to be communicated by the learned advocates on record of the petitioner the State and the respondent authorities would have to act on the same.

The learned counsel appearing on behalf of the petitioners submits as follows. There are 21 seats in the Panchayat Samity. The petitioners are 11 elected members belonging to the opposition political alliance. Rest of the 10 seats have been won by the ruling party. As would appear from a communication dated 13.08.2023 made by the Inspector-in-Charge, Harischandrapur Police Station to the S.D.O., Chanchal that he had prayed for postponement for board formation on the ground of scarcity of police personnel, among others. This is the only a ploy to encourage a horse trading. There will be efforts made by the Administration to prevent the petitioners from attending the meeting. A case was started by the Azamgar Police against three of the petitioners. In the event the board formation actually takes place on 14.08.2023 at 3. p.m., necessary police protection may be given to the petitioners so that they can participate in the board formation meeting.

The learned counsel appearing on behalf of the State submits as follows. The Administration has no intention whatsoever of postponing the meeting for formation of board or interfering with the formation of the board which is scheduled to take place today that is on 14.08.2023 at 3 p.m. It is only out of concern that if adequate number of police personnel are not there, there could be ruckus leading to a chaos. The Inspector-in-Charge of Harishchandrapur Police

Station made prayer to the S.D.O., Chanchal that if the petitioners are in some kind of fear, necessary police protection may be rendered for attending such meeting.

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

It appears that the meeting is scheduled for formation of Panchayat Samity Board today i.e., on 14.08.2023 at 3 p.m.

In spite of a previous request made by the I. C., Harishchandrapur Police Station to the S. D. O., Chanchal for postponement of process on the ground of paucity of police personnel, as of now there is no information that the meeting is going to be postponed.

In view of the same, the respondent authorities, particularly the Inspect-in-Charge, Hrishchandapur Police Station is directed to render adequate police assistance to the petitioners so that they can participate in the meeting for board formation today at 3 p.m.

In the event any requisition for arresting any one of the petitioners is there in connection with Azamgar Police Station Case No. 289 of 2023 dated 10.08.2023, the same shall not be executed today.

With these directions, the writ petition is disposed of.

Parties are directed to act on the basis of communication of the learned advocate on record of the petitioners and/or of the State.

(Jay Sengupta, J.)