

7
23.08.2023
ssi

Ct 14

WPA 19751 of 2023

Kartik Palui & ors.

-vs-

State of West Bengal & ors.

Mr. Soumen Kr. Dutta

Mr. Sabyasachi Bhattacharjee

....for the petitioners

Mr. Achintya Kr. Banerjee

Mr. Soumen Chatterjee

...for the petitioner nos. 8, 12, 14

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the Superintendent of Police, Paschim Medinipur to give police protection to the petitioners in order to enable them to participate in the adjourned meeting for selection of the Sabhapati and Sahakari Sabhapati of the Keshiary Panchayet Samity.

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

A copy of notice issued under Section 41A of the Code to one of the petitioners in respect of Keshiary Police Station Case No. 219 of 2023 dated 16.08.2023, as filed in Court, is taken on record.

Reports filed by the police authorities and by the BDO, as filed on behalf of the State, are also taken on record.

At this stage, learned counsel Mr. Achintya Kr. Banerjee, claiming to appear on behalf of three petitioners namely, the petitioner nos. 8, 12 and 14 files affidavits on

behalf of his clients as also a receipted letter sent to the Registrar General of this Court in this regard intimating that those petitioners would no longer like to be represented by the erstwhile learned advocate on record and would also not like to a part of the writ petitioner.

Perused the affidavits and the intimation.

This Court permits the petitioner nos. 8, 12 and 14 to be represented by the new set of learned counsels.

On the prayer of the learned counsels appearing on behalf of the petitioner nos. 8, 12 and 14, the writ petition is disposed of as withdrawn so far as those petitioners are concerned.

Learned counsel appearing on behalf of the petitioner nos. 1 to 7, 9 to 11, 13 and 15 submits as follows. The petitioners are the winning candidates belonging to the ruling political dispensation. Yet, on the earlier date fixed for selection of the Sabhapati and Sahakari Sabhapati that is on 10.8.2023, the petitioners were not allowed to enter the venue by the police authorities, especially at the behest of the Inspector in Charge of the local Police Station. Even after they were able to enter, they could not participate in the meeting properly and no decision was taken because the other side wanted another person and not the petitioner's candidate Phatik Ranjan Pahari to be declared as a Sabhapati. The concerned BDO needlessly adjourned the meeting. No further date has been fixed for such purpose. The petitioners apprehend that they would again be

prevented from properly exercising their democratic rights as winning candidates. Therefore, they seek police protection in this regard and also seek a direction that the entire process should be video graphed. On that particular date, no coercive action may be taken against the petitioners in respect of the police case in question.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition are denied. The police did not take any steps to deter the petitioners either from entering the venue or from properly participating in the meeting. However, if the petitioners are in fear of not being able to attend the meeting on the next date to be fixed, they are at liberty to seek protection before the local police. According to the report filed by the BDO/the Presiding Officer, meeting did take place properly and all of the candidates participated, but before any decisions to be taken, the candidates left.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition, the reports filed by the State and other relevant documents.

It appears that the meeting for selection of Sabhapati and Sahakari Sabhapati had to be adjourned. However, no specific date has been fixed as yet.

Let such a date be fixed by the prescribed authority within a stipulated time in accordance with law.

On the date to be fixed for such purpose, the

petitioners shall report to the local police station 2 hours' ahead of such meeting and the local police station shall provide adequate police protection so that they can attend such meeting at the venue. Sufficient police arrangement may be made and all the arrangement shall be done under the Supervision of the Superintendent of Police, Paschim Medinipur. The entire process of meeting shall be video graphed.

It appears that all the sections imputed in the criminal case referred to by the petitioner have maximum punishments that do not exceed 7 years. Therefore, the police are bound to follow the directions given in Arnesh Kumar's case, (2014) 8 SCC 273.

The police authority shall maintain a strict vigil at the locale and ensure that no breach of peace takes place.

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.

(Jay Sengupta, J.)