

21.08.2023
Srimanta
Sl. No. 20
Ct. No. 14

WPA/20114/2023

Nabakumar Biswas & Ors.
-Vs.-
The Secretary of West Bengal Election
Commission & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
...for the petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
...for the State.

Mr. Billwadal Bhattacharyya, Ld. DSGI,
Mr. Tirtha Pati Acharyya
...for the Union of India.

Mr. Anuran Samanta
...for the respondent no. 3.

Mrs. Sonal Sinha,
Ms. Sanjukta Samanta
...for the State Election Commission.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to grant protection to the petitioners so that they are able to reach the office of the Panchayat Samiti, Anishmali Gram Panchayat and participate in the formation of a new Panchayat tomorrow, i.e. on 22.08.2023 at 11.30 A.M.

Copy of the notice sent in this regard has filed by the petitioners is taken on record.

A copy of the report filed by the State is also taken on record.

Learned Counsel appearing on behalf of the petitioners further submits as follows. The petitioners are the winning candidates belonging to an opposition political party in respect of the Panchayat Elections of 2023. A notice has been given for the altered date of

Board formation that is supposed to take place on 22.08.2023 at 11.30 A.M. The miscreants belonging to the ruling political dispensation have been trying to prevent the petitioners first from participating in the elections and now from forming the Board. Adequate Police protection needs to be given so that the petitioners are able to exercise their democratic rights in participating in the process of Board formation.

Learned Counsel representing the State relies on the report and submits as follows. The allegations made in the writ petition are denied. Even then, if the petitioners are in fear of any difficulty in participating in the Board formation process, the local Police Authorities would be in a position to provide security. Upon instructions, it is further submitted that the Superintendent of Police, Ranaghat, DIB has already initiated a process for providing sufficient Police force at the venue.

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

It appears that Board formation for the Panchayat had to be postponed on one occasion.

The petitioners apprehend that local miscreants may again try to prevent them from participating in the said process.

In view of the same and in the interest of justice, let the petitioners report to the Officer-in-Charge of Gangnapur Police Station tomorrow, i.e., 22.08.2023 at 9.30 A.M. so that the Officer can arrange for adequate Police protection to escort them to the venue of the meeting.

If the petitioners apprehend any concern about their safety even today they shall be at liberty to approach the local Police Station with a prayer to

provide protection, which shall be considered in accordance with law.

With these observations, the writ petition is disposed of.

The learned Advocate-on-record of the petitioner shall be at liberty to communicate a gist to the parties concerned.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Jay Sengupta, J.)