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23.08.
2023
Ct. No.14

WPA 20335 of 2023

Tabarak Hosen & Ors.
Vs.
The Secretary of West Bengal Election
Commission & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Badrul Karim
Ms. Priyanka Paul
Ms. Indrani Roy

.....For the Petitioners

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....For the State

Mr. Anuran Samanta

.....For the Respondent No.3

Mr. S. Sinha
Mr. Tarun Kr. Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee

.....For Election Commission

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide adequate police protection for them to attend the Board formation meeting for the Kaligram Gram Panchayat which is scheduled to take place on 24 August, 2023 at 12 noon.

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 belonging to different Opposition

Parties at the Kaligram Gram Panchayat. The miscreants belonging to the ruling political dispensation had been threatening and intimidating the petitioners so that they are not able to attend the Board formation meeting. The petitioner nos. 4 and 5 were, in the mean time, abducted by such miscreants. A prayer was made for recovery of the said petitioners and for adequate police protection so that the petitioners are able to attend the Board formation meeting.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Allegations made in the writ petition are denied. There is no truth in the petitioners' allegations that two of them had been abducted by the miscreants belonging to the other side. The police could trace out the said petitioners, namely, Hena Khatun and Sanjiba Khatun at a hotel at Raghunathganj. On proper examination under videography, they categorically stated that they had jointed the TMC party and had willingly come there with their respective husbands. However, if the other petitioners have any fear that they would not be able to attend the Board formation meeting for some reasons, they may seek police protection from the local police station.

I have heard the submissions of learned

counsels of both parties and have perused the writ petition and the report filed on behalf of the State.

It appears that the petitioner nos. 4 and 5 have been traced out.

It further appears that the Board formation meeting will take place tomorrow that is on 24.08.23 at 12 noon and the petitioner nos. 1 to 3 and 6 to 12 apprehended that the local miscreants may try to prevent them from attending the Board formation meeting.

In view of the above and for interest of justice, let the petitioner nos. 1 to 3 and 6 to 12 report to the Officer-in-charge, Chanchal Police Station on 24.08.23 at 10 a. m. so that they can make arrangements for adequate police protection to escort them to the venue of the meeting. Even thereafter, the police authorities would keep a sharp vigil and ensure them 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.)

