

22.08.2023

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W.P.A. 20400 of 2023

Ashok Saha & ors.

Vs.

State of West Bengal & ors.

Mr. Animesh Singh

Ms. Gulsanwara Pervin

... for the petitioners

Mr. Wasim Ahmed

Mr. M. Shehaboddin

... for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to provide police protection for election process in a society registered under the Societies Registration Act.

Learned Counsel for the petitioners submits as follows. The petitioners are the members of a society and the candidates in the ensuing election, which is to take place on 23rd August, 2023 between 3 p.m. to 9 p.m. There is a history of violence in dealing matters pertaining to the said society. In fact, the Election Commissioner himself had made a complaint before the police seeking police protection. In spite of that, police has not taken any steps. Earlier, proceedings had to be initiated under Sections 107 and 144 of the Code of Criminal Procedure.

Learned Counsel appearing on behalf of the State relies on a report, which is taken on record and submits as follows. The police have already taken steps. Relying

on the complaint made by the Election Commissioner they are keeping strict vigil at the locale. They have also filed a report in respect of the proceeding initiated by the petitioners.

I have heard learned counsels for the parties and have perused the writ petition and the report filed by the State.

The petitioners apprehend that an untoward incident may happen during the election process that is to be scheduled on 23rd August, 2023 between 3 p.m. to 9 p.m.

Earlier, in connection with the affairs of the society, proceeding had to be initiated under Sections 107 and 144 of the Code.

In view of the above and for interest of justice, I direct the Officer-in-Charge, Bhowanipore Police Station to deploy two armed policemen near the venue where the election is scheduled to be held on 23rd August, 2023 from 3 p.m. to 9 p.m. Even otherwise, the police authorities shall keep a strict vigil at the locale and ensure that no untoward incident 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.)