

22.08.2023

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W.P.A. 20443 of 2023

Dhirendra Mistri & ors.

Vs.

The State of West Bengal & ors.

Mr. Rajdeep Mazumder

Mr. Moyukh Mukherjee

Ms. Sagnika Banerjee

... for the petitioners

Mr. Sirsanya Bandopadhyay

Mr. Arka Kr. Nag

... for the State

Mr. Anindya Bose

Mr. Mridul Biswas

... for the Intervenor

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to provide police protection to the petitioners till the Board of members in the Duttapulia Gram Panchayat under Ranaghat-II Block is formed on 23rd August, 2023.

Supplementary affidavit filed on behalf of the petitioners is taken on record. Copy of the same is handed over to the learned Counsel for the State.

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioners are the winning candidates in the Duttapulia Gram Panchayat. They belong to an opposition political party. The miscreants of the ruling political party had been trying to prevent them from participating in the formation of board.

The candidates won the election. The seats are distributed in the following pattern. 14 out of 30 seats are of the petitioners, 14 seats are of the ruling party and 2 seats are of another political party. The Board formation meeting was to be held on 10th August, 2023. On the prayer of the petitioners, this Court granted police protection for escorting them to venue on 9th August, 2023 in W.P.A. 19218 of 2023. Since there was a tie, there was a requirement for drawing of lots. However, the moment the same was started, the miscreants belonging to the ruling political party including the other winning candidates created a ruckus inside the venue. The petitioner no.1 was selected as a Pradhan, but the relevant papers were torn. The evidence from the footage of C.C.T.V. contained in the pen drive and mobile phones have been preserved. The petitioners reserve their right to agitate this point by way of separate writ petition under the proper classification list of Panchayat matters. At this stage, the petitioners only want protection so that they can attend the meeting scheduled on 23rd August, 2023.

Learned Counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. Pursuant to the directions passed by this Court earlier, sufficient police force was deployed to escort the petitioners to the venue. However, about whatever happened inside the venue the police did not

have any role till the Presiding Officer intimated the police.

A report filed by the respondent no.5 is relied upon and copy of the same is taken on record.

I have heard learned counsels for the parties and have perused the writ petition and supplementary affidavit.

It appears that the Board formation meeting could not be successfully concluded on the last occasion i.e., on 10th August, 2023 because of certain untoward incidents that took place there.

It appears that the petitioners apprehend that the local miscreants may again try to prevent the petitioners from participating in the Board formation process which is scheduled to be held on 23rd August, 2023 at 11.30 a.m.

In view of the above and for interest of justice, let the petitioners report to the Officer-in-Charge, Dhantala Police Station on 23rd August, 2023 at 9.30 a.m. so that the Officer can arrange for adequate police protection to escort the petitioners to the venue of the meeting at Duttapulia Gram Panchayat under Ranaghat-II Block and even thereafter, the police authorities shall maintain a strict vigil at the locale and ensure that no breach of peace takes place.

Since no affidavits are called for allegations contained in the writ petition are deemed not to have been admitted.

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.)