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24.08.
2023
Ct. No.14

WPA 20722 of 2023

Somnath Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
.....For the Petitioners
Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
.....For the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the winning candidates of Kukrahati Gram Panchayat under the Sutaahata Block. They belong to the Opposition Political Party. Out of 23 seats in the Gram Panchayat, they have secured 11, the present ruling party has got 10 and another political party has got 2. This has led to attempts of horse trading. Initially one of the winning candidates belonging to the petitioners' party, being the respondent no.11 here, was abducted by the miscreants belonging to the ruling party. That is why, the Board formation had to be postponed. In a connected matter being WPA 19757 of 2023 the State has filed the report that the said respondent named Palash Pramanik had given a statement under Section 164 of the Code that he had voluntarily gone away and was not abducted.

This Court directed to add him as a party and the matter is fixed for hearing on 5th September, 2023. This matter should also be heard along with the other matter. If necessary, the Board formation needs to be postponed.

Learned senior counsel representing the State submits as follows. No ground has been made out to support the reliefs claimed in the writ petition. The issue of abduction of one of the candidates has now been sorted out. He has made a statement before the Magistrate that he was not abducted. The Board formation is fixed for tomorrow for which if the petitioners need any police protection to go to the venue, the same may be provided.

It appears that allegedly abducted candidate was traced out by the police. In the case started for his alleged abduction, his statement was recorded under Section 164 of the Code where he denied having been abducted.

This court has no reason to discard the statement made by the said Palash Pramanik before a Magistrate at this stage.

This court also does not find any direct connection between the other pending writ petition and the present one.

The petitioners have not been able to make out a case for intervention. Accordingly, no further

order need be passed in the writ petition.

The police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place at the time of holding of the meeting for Board formation on the particular date.

With these observations, the writ petitioner 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.)