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01.09.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 21049 of 2023

**Kuddus Ali @ Md. Kuddus Ali
-versus
The State of West Bengal & Ors.**

**Mr. Mrityunjay Chatterjee,
Mr. Debapriya Majumder.
...For the Petitioner.**

**Mr. Gourav Das.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

Leave is granted to the learned advocate-on-record of the petitioner to correct the designation of the Sub-Divisional Officer being the respondent no. 6 in the cause title of the writ petition.

The petitioner has been elected as Sabhapati of a Panchayat Samity. The date of the first meeting of election of the Sthayee Samity which was scheduled on 26th August, 2023 has been re-scheduled by the Prescribed Authority and fixed on 11th September, 2023.

The petitioner submits that there is tremendous pressure and life threat upon the members of the Panchayat Samity and they are being implicated in false criminal cases.

The petitioner seeks preponement of the election of the Sthayee Samity.

From the communication made by the Prescribed Authority dated 18th August, 2023, it appears that the meeting scheduled on 26th August, 2023 was cancelled allegedly on account of the functioning of the West Bengal Legislative Assembly. The communication specifically mentions that the assembly will be in session on and from 22nd August, 2023.

The petitioner has submitted before this Court that the session of the legislative assembly was due to end on 25th August, 2023 and there was no difficulty on the part of the Prescribed Authority to convene the meeting as scheduled on 26th August, 2023.

The petitioner alleges that the meeting has been postponed deliberately.

It appears from the instruction forwarded by the Officer-in-Charge, Raninagar Police Station signed on 29th August, 2023 that there was hooliganism in several places of Raninagar Police Station and two criminal cases have been registered. The investigation is continuing and sixteen accused persons have been arrested and forwarded to the Court.

The petitioner apprehends that the said tension and violence will continue till the election of the Sthayee Samity is held.

In such a situation, the Sub-Divisional Officer, Domkal Sub-Division, Murshidabad is directed to take into consideration the prayer of the petitioner for

preponement of the election for the members of the Sthayee Samity so that the tension that is prevailing in the area may be eased out.

A decision shall be taken by the aforesaid authority at the earliest, but positively by 6th September, 2023 and communicated to the petitioner and all other necessary parties immediately thereafter.

If the preponement of the election becomes absolutely impossible, in that case the Superintendent of Police through the Officer-in-Charge, Raninagar Police Station is directed to keep strict vigil over the area to ensure that no untoward incident take place till the members of the Sthayee Samities are elected. The police shall ensure that the election is conducted peacefully and without any disturbance from any quarter.

The instruction forwarded by the Officer-in-Charge, Raninagar Police Station dated 29th August, 2023 is retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)