

September 1, 2023
AD 212
Court No.14
SG

WPA 21168 of 2023

Sandip Kumar Halder and others
vs.
The State of West Bengal and others

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
... for the petitioners
Mr. Sk. Md. Galib
Ms. Sujata Mukherjee
... 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 so that the petitioners can participate in the meeting of Sthayee Upa Samiti and Sthayee Samiti be held on 4th September, 2023 and 5th September, 2023 respectively at 11 a.m. The first meeting is to take place at the Meeting Hall of Raghunathpur-II Gram Panchayat Office and the second meeting is to take place at the Meeting Hall of Sahid Matangini Panchayat Samiti.

Affidavit of service filed is taken on record.

A report filed by the State is taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the winning candidates of the Panchayat Samiti belonging to an opposition political party. The miscreants belonging to the ruling political dispensation in the State have been trying to prevent the petitioners from attending the meetings for board formation, on 9th August, 2023. They assaulted the

petitioners mercilessly. The petitioners apprehend that the local miscreants would prevent them from participating in the meetings. They also apprehend that they would be arrested in connection with a false case started regarding the incident of 9th August, 2023 against the petitioners.

Learned advocate for the State denies the allegations made in the writ petition. He submits that the petitioners are the ones who had created all the mischief. For this, the criminal case had to be started on rather serious charges.

I have heard the submissions of the parties and have perused the writ petition and the report filed by the State.

It appears that the meetings of Sthayee Upa Samiti and Sthayee Samiti are to be held on 4th September, 2023 and 5th September, 2023 at 11 am.

The petitioners apprehend that the local miscreants would prevent them for attending the meetings. They also apprehend that an Administration might have them arrested in connection with the case started in the meantime.

In view of the above, let the petitioners report to the Officer-in-Charge of Tamluk Police Station on both dates i.e. 4th September, 2023 and 5th September, 2023 at 9 am so that the officer can make arrangements for the petitioners to attend the venue of the meetings on both dates.

The travel of the petitioners from the police station to the meeting spots shall be videographed,

In order that the petitioners can exercise the democratic rights in the Samiti meetings, let the police not arrest the petitioners in connection with Tamluk Police Station Case No.916 dated 09.08.2023 till 06.09.2023.

The respondent authorities shall keep a sharp vigil at the locale and see that no breach of peace takes place.

With the aforesaid observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]