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05.09.2023
d.p.

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

W.P.A 21456 of 2023

**Gopal Koley
-versus
West Bengal State Election Commission & Ors.**

**Mr. Sabyasachi Chatterjee,
Mr. Debabrata Mondal,
Mr. Sandipan Das,
Mr. Badrul Karim,
Mr. Sayan Banerjee,
Mr. Kiron Sk.
Mr. Dipankar Das.
...For the Petitioner.**

**Mr. Arka Kumar Nag.
...For the State.**

**Mr. Partha Sarathi Bhattacharyya,
Mr. Arunava Maiti,
Mr. Raju Bhattacharyya.
...For the Respondent
Nos. 13 to 20.**

The petitioner happens to be the Pradhan of the Gram Panchayat. He alleges irregularities at the time of constitution of the Upa Samities.

It appears that out of four Upa Samities that were to be constituted, three has been constituted but election of the fourth Upa Samity got deferred in view of the untoward incident which took place on the day of the election. Next date for election of the last Upa Samity is scheduled on 7th September, 2023.

It appears from the order-sheet dated 27th August, 2023 of the Deputy Magistrate and Deputy Collector, Uluberia, Howrah that the Officer-in-Charge, Rajapur Police Station under Howrah (Rural) District was directed to ensure strict compliance of the order passed under Section 144(2) of Cr.P.C.

Despite the order under Section 144(2) of Cr.P.C. prevailing in the area, the election to the Upa Samities could not be held peacefully. Heated altercation and scuffle took place at the time of election.

The election in question took place on 28th August, 2023 at around 2.30 P.M. The petitioner lodged complaint before the Sub-Divisional Officer on 29th August, 2023 via email at 10.44 P.M.

Upon hearing the submissions made on behalf of all the parties, the Court is of the view that the only order that can be passed in the instant writ petition is to direct the respondent authorities to ensure that the election of the Upa Samity that is scheduled on 7th September, 2023 is conducted peacefully and the Upa Samity is constituted on the said date.

The police shall ensure that there is no breach of peace or illegality at the time of election.

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.)