

September 4, 2023
S/L 1
Court No.14
SG

WPA 21636 of 2023

Samima Parvin
vs.
The State of West Bengal and others

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Dipankar Das
Mr. Kiron Sk.

... for the petitioner

Mr. Rajarshi Basu
Mr. Sanjib Dutta

... 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 petitioner can attend the meeting of Sthayee Samiti on 05.09.2023 at 10 am at the Meeting Hall of Harishchandrapur-I Panchayat Office and no coercive steps be taken in respect of two FIRs being Harishchandrapur Police Station Case Nos.850 dated 13.08.2023 and 885 dated 21.08.2023.

Learned advocate for the petitioner submits as follows. The petitioner is a winning candidate in the gram panchayat election and she is the gram panchayat pradhan of Kushida Gram Panchayat in Harishchandrapur Block-I, District Malda. She belongs to an opposition political party. The miscreants belonging to the ruling political dispensation had been trying to prevent the petitioner from attending the meetings. On 12.08.2023 certain untoward incidents occurred for

which the petitioner was constrained to lodge an FIR being Harishchandrapur Police Station Case No.849 dated 13.08.2023. However, counter-cases were also started being Harishchandrapur Police Station Case No.850 dated 13.08.2023 and 885 dated 21.08.2023. The Administration might try to prevent the petitioner from attending the meeting tomorrow on the basis of the two FIRs filed as mentioned above.

Learned advocate for the State submits as follows. The allegations made in the writ petition are denied. The petitioner seems to be one of the miscreants for the incident that took place on 12.08.2023. However, if the petitioner for some reasons, fears that she might not be able to attend the Sthayee Samiti meeting tomorrow, then she can report to the police station for necessary protection.

In view of the above, let the petitioner report to the Officer-in-Charge of Harishchandrapur Police Station tomorrow i.e. 05.09.2023 at 8 am, so that the officer can arrange for necessary police protection to escort her to the venue of the meeting.

In order that the petitioner can exercise her democratic rights at the meeting that is to take place tomorrow, the investigating agency shall not arrest the petitioner in respect of Harishchandrapur Police Station Case Nos.850 dated 13.08.2023 and 885 dated 21.08.2023 till 06.09.2023.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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

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

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

The petitioner shall be at liberty to communicate a gist of this order to the concerned authorities.

[Jay Sengupta, J.]