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05.09.2023
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Ct 14

WPA 21642 of 2023

Samima Parvin & ors..

-vs-

State of West Bengal & ors.

Mr. Sabyasachi Chatterjee

Mr. Sandipan Dan

Mr. Sayan Banerjee

Mr. Badrul Karim

Mr. Kiron Sk

Mr. Dipankar Das

....for the petitioners

Mr. Arka Kr. Nag

...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 different Upa Samities on 09.09.2023 at 12 noon at the Meeting Hall of Khusida 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 petitioners submits as follows. The petitioners are the winning candidates in the gram panchayat elections. The petitioner no.1 is the gram panchayat pradhan of Kushida Gram Panchayat

in Harishchandrapur Block-I, District Malda. The petitioner no.2 is the upapradhan and the rest are the members of the Gram Panchayat. They belong 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 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. 09.09.2023 at 10 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 10.09.2023.

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.)