

Court No. 14
06.9.2023
(Item No. 5)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 21791 of 2023

Murtuj Alam & Ors.
VS
The Secretary of West Bengal Election Commission &
Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Dan
Mr. Q. Faruk Gaji
Mr. Badrul Karim
Mr. Kiron Sk.
Mr. Dipankar Das
Ms. Indrani Roy
Ms. Priyanka Paul
Ms. Anindita Chatterjee
..... for the petitioners
Mr. Sk. Md. Galib
Mr. Tamal Taru Panda
.... For the State
Mr. Anuran Samanta
.... For respondent No. 3
Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
.... For State Election Commission

This is an application under Article 226 of the Constitution of India praying for direction upon respondent authorities to provide police protection so that the petitioners can attend the meeting of different Upa Samities of Boroi Gram Panchayat to be held on 08.09.2023 at 12 noon at the Meeting Hall of Boroi Gram Panchayat and not to take coercive steps in respect of Harishchandrapur Police Station Case No. 831 dated 09.08.2023.

Affidavit of service filed by the petitioners is taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the winning candidates in the gram panchayat elections. The petitioner No. 2 is the Gram Panchayat Pradhan of Boroī Gram Panchayat, the petitioner No. 10 is the Upa Pradhan of the said Gram Panchayat and the others are elected 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 petitioners from attending the meetings. The Administration has also filed an F.I.R. regarding untoward incidents that took place sometime ago. The Administration might try to prevent the petitioners from attending the meeting on the basis of such F.I.R.

The learned counsel for the State submits as follows. The allegations made in the writ petition are denied. However, if the petitioners for some reason, fear that they might not be able to attend the meeting, then they can report to the local police station for necessary protection.

In view of the above, let the petitioners report to the Officer-in-Charge of Harishchandrapur Police Station on 08.09.2023 at 10 a.m. so that the officer can arrange for necessary police protection to escort them to the venue of the meeting.

In order that the petitioners can exercise their democratic rights at the meeting that is to take place on 08.09.2023, the investigating agency shall not arrest the petitioners in respect of Harishchandrapur Police State case No. 831 dated 09.08.2023 till 09.9.2023.

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

(Jay Sengupta, J.)