

WPA 24741 of 2023

Santanu Pramanik & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Ms. Sagnika Banerjee

...for the petitioners

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

....for the State- respondents

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities not to take coercive steps against the petitioners till a certain date because of the election of Karmadhyaksha of Khejuri – II Panchayat Samiti which is scheduled to take place on 16.10.2023 at the meeting hall of Khejuri-II Panchayat Samiti.

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

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioners are the elected members of the Panchayat Samiti. They belong to an opposition political party. The miscreants belonging to the ruling political dispensation have been trying to prevent the petitioner from attending relevant meetings. It is apprehended that this time also same efforts will be made. The Administration

may also foist false cases against them or tag them in existing cases so that they are unable to attend the meeting. Earlier necessary protections were granted so that the attendance of the winning candidates in such meeting could be assured.

Learned counsel appearing on behalf of the State relies on a report, which is taken on record and submits as follows. The allegations made in the writ petition are denied. As of now, all the petitioners are not named as accused in the FIRs referred to in the writ petition. If any protection is given in the nature of “no coercive steps”, the same should be limited to the petitioners who are already accused in such cases. If the petitioners apprehend some kind of fear in attending such meeting they can approach the local police station for necessary protection.

It appears that the election of Karmadhyaksha of Khejuri –II Panchayat Samiti is to take place in a meeting of the Panchayat Samiti at 16.10.2023 at 12 noon.

The petitioners apprehend that some local miscreants may try to prevent them from attending the meeting and even the Administration may take coercive steps in respect pending criminal cases.

Let the respondent authorities ensure that at any cost the petitioners are able to attend the same meeting. Even if, any of the petitioners by now have

been taken into custody in any case, the respondent authorities shall have parole granted so that on the relevant date they are able to attend such meeting.

The petitioners shall report to the Officer-in-Charge, Khejuri -II police station on 16.10.2023 at 10.00 a.m. The concerned officer shall take necessary steps to allow police escort to accompany them to the meeting hall. The travel from the police station to the meeting hall shall be videographed.

Those petitioners who are the accused in respect of criminal case referred to in the writ petition shall not be arrested in connection with the same till 17.10.2023.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)