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03.04.2024
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Ct 14

WPA 764 of 2024

Sk. Ahadulla & ors.

-vs-

West Bengal State Election Commission & ors.

Mr. Sandipan Das
Mr. Subhrojit Saha
Mr. Sarajit Roy
Mr. Badrul Karim
Ms. Indrani Roy
Ms. Suparna Dutta

....for the petitioners

Mr. Kishore Dutta, Id. AG
Mr. Sirsanya Bandopadhyay

...for the State

Ms. Sonal Sinha
Ms. Shabnam Farooqui

...for the State Election Commission

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the residents of Vill-Chatra, P.S- Amta, Dist- Howrah under the jurisdiction of Amta Police Station. They are supporters of the CPIM party. Immediately after the State Election of 2021, they were ousted from their homes by anti-socials belonging to the ruling political dispensation. Till date they have not been allowed to enter. This is despite an earlier order passed by

this Court on 05.07.2023 in WPA 15832 of 2023.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition are denied. The police had invited the petitioner on several occasions to return home. They did not. Some of them did return for a day and went back. It is germane to mention that there are about 11 cases pending against the petitioner and in some of these, warrants of arrest are pending. Out of these 11 cases, one is under Section 302 while there are other serious charges in others. If the petitioner wants to return and yet are in fear of any reprisal, police protection can be granted. However, if warrant of arrest is pending against any of them, the same may be permitted to be executed.

It appears that the petitioners are seeking police protection to return to their home along with their family members.

It is not clear as to why the direction passed earlier by this Court have not been fully acted upon.

Be that as it may, if the petitioners want to return to their homes, they shall intimate the Officer in Charge of the Amta Police Station about the intended date and time of return with a 24 hours' notice. The Officer then shall arrange for adequate number of armed police personnel to escort them to their respective homes. The entry to the residence shall be videographed.

Even otherwise, the police shall keep a sharp vigil at

the locale and ensure that no breach of peace takes place.

However, if a warrant of arrest is pending against anyone of the petitioners in respect of the cases mentioned in the report, the police shall be at liberty to execute the same.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)