

05.10.2024
Sl. No. Supp.01
g.b.
Court No.07

W.P.A. 25152 of 2024

Alibuddin Khan & Ors.
-Vs-
The State of W. B. & Ors.

Ms. Gargi Roy
Ms. Salma Sultana Shah
.....For the Petitioners
Mr. Srijan Nayak
Mrs. Rituparna Maitra
....For the Returning Officer, Co-operative Election
Mr. Dipanjan Datta, Sr. Govt. Adv.
Mrs. Paromita Malakar
.....For the State

Affidavit of service filed in court today is taken on record.

This matter was mentioned at the first sitting of this court by submitting that the election of the Co-operative Society as scheduled to be held on 6th October, 2024.

In view of the urgency pleaded by the learned advocate for the petitioners, this matter was directed to appear in the supplementary list today.

Accordingly, the supplementary list was published.

The petitioners claim to have filed their nominations with regard to the election of Board of Directors of Dompukur Samabay Krishi Unnayan Samiti Ltd. The election is scheduled to be held on October 6, 2024 and the counting will also be held on the same day. The petitioners filed a representation before the District Magistrate, Nadia, the Superintendent of Police, Krishnanagar Police District and the Assistant Registrar of Co-operative Society who is the Returning Officer in connection with the said election. In the said representation the petitioners have prayed for deployment of armed police during the election day for smooth conduct of election and also for installation of CCTV cameras inside and outside the polling booth in order to ensure that

the voters are not in any way threatened or prevented from casting their votes.

The learned advocate appearing for the petitioners further submits that such representation was submitted on September 18, 2024 and also on September 23, 2024 but the authorities have not yet communicated their decision to the petitioners with regard to the said representations.

Mr. Nayak, learned advocate appears for the Returning Officer Co-operative Election Commission being the 4th respondent and submits that the Returning Officer has taken all steps for free and fair election in accordance with law. He further submits that information has been given to the local Police Station for deployment of adequate number of police personnel. With regard to the prayer for installation of CCTV cameras. Mr. Nayak, learned advocate submits that the Returning Officer does not have any objection with regard to the installation of such CCTV cameras but the same has to be arranged by the local Police Station.

At this stage learned advocate appearing for the petitioners volunteers to pay the cost for installation of the CCTV cameras.

Mr. Datta, learned advocate for the State, on instruction, submits that there is no apprehension of any breach of peace at the booth and there may not be any necessity for installation of CCTV cameras.

Mr. Datta, learned Senior Advocate further submits that since the date of election is fixed on 6th October, 2024, it may not be possible within the short span of time to instal the CCTV cameras at the booth. However, he submits that in the event the petitioners pay the cost for videography, such arrangement can be made by the local Police Station.

The learned advocate appearing for the petitioners submits that the petitioners are also ready and willing to bear the cost of videography.

In order to ensure free and fair election of Board of Directors of the Co-operative Society this court feels that a direction should be passed upon the Inspector-in-charge, Chapra Police Station to deploy adequate number of police personnel at the booth during the period of election and the counting process and for making arrangements for installation of CCTV cameras at the booth or videography of the election process and the counting process.

In the light of the aforesaid submissions made by the learned advocates for the respective parties, the Inspector-in-charge, Chapra Police Station is directed to make an assessment as to the police personnel that may be required to be deployed and deploy adequate police personnel during the said election.

The Officer-in-charge, Chapra Police Station shall also make arrangement either for installation of CCTV cameras or for videography of the election process and the counting process at the cost of the petitioners.

The learned advocates for the respective parties are at liberty to communicate the gist of the order to the Inspector-in-charge, Chapra Police Station.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)