

28.04.2026
Item No.ADSL 1
Ct. No. 1
RP

MAT 775 of 2026
+
IA No.CAN 1 of 2026

Nilotpall Halder
VS.
The State of West Bengal & Ors.

Mr. Debnath Ganguly
Mr. Supriyo Dutta
Ms. Monami Mukherjee
..For Appellant
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Rahul Kumar Singh
..For State
Ms. Anamika Pandey ...For ECI

Dictated by SUJOY PAUL, CJ.:-

1. Parties are represented through their respective learned counsels.
3. With consent finally heard.
4. This intra-Court appeal takes exception to the order dated 24.04.2026 passed by the learned Single Judge in WPA 10095 of 2026.
5. Learned counsel for the appellant submits that the learned Single Judge has not considered his prayer (d) and (e) of the writ petition, which necessitated the present appellant to file the present appeal. In addition,

it is strenuously contended that the voting in the area, where the appellant is a voter, is scheduled on 29th April, 2026. The appellant may be permitted to cast his vote and if he prays for police protection by preferring an application to the police authority the same may be considered.

6. Mr. Bandyopadhyay, learned senior counsel submits that although he has no objection to the innocuous prayer of the appellant but it may be clarified that the State/police authority is free to take action if the appellant commits any offence. Apart from this, the State/police authority may be free to take action in accordance with law in the pending criminal cases against the appellant.
7. Learned counsel for the appellant undertakes that the appellant will

not commit any offence and he may be permitted to cast his vote tomorrow.

8. So far as the prayer (d) is concerned it is seen that in the representation made by the appellant before the higher police authority dated 21st April, 2026 the appellant has not disclosed as to from whom he received threat and needs protection. Thus, it cannot be said that the learned Single Judge committed any error in not issuing appropriate direction in terms of prayer (d).
9. Since the right of voting is an important right of a citizen, we deem it proper to direct that if the petitioner is a valid voter and there is no other legal impediment he may be permitted to cast his vote tomorrow. The appellant shall not commit any offence. If the appellant commits any offence, the State/police

authority are free to take action against him in accordance with law.

10. The appellant is at liberty to prefer an application before the respondent no.4 authority if he wants any police protection alongwith a server copy of this order. In that case, the State/police authority shall consider and decide the same in accordance with law.
11. With the aforesaid and without expressing any opinion on merit, the appeal and the connected application are disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after observing all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)