

01. 06.07.2023  
SL. Ct.02  
Bd.

CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI

W.P.A. 1483 of 2023

Smt. Malati Rava Roy

-vs-

The State of West Bengal & Ors.

Ms. Suman Sehanabish  
Mr. Alope Sah  
Mr.Salok Sah  
Mr. Kunaljit Bhattacharya

...for the petitioner.

Mr. Joyjit Choudhury  
Mr. Subir Kumar Saha  
Ms.Bedashruti Bose

...for the State.

Member of West Bengal Legislative Assembly from Tufanganj constituency, District- Cooch Behar, has approached this Court with the present writ petition expressing apprehension that there will be further deterioration of law and order in her constituency during ensuing panchayat election scheduled to be held on 8<sup>th</sup> July, 2023. On 8<sup>th</sup> July, 2023 panchayat election is to be conducted throughout State of West Bengal.

Ms. Sehanabish, learned advocate representing the petitioner has drawn attention of this Court to FIR dated 23<sup>rd</sup> June, 2023 giving rise to Boxirhat Police Station Case No. 250 of 2023; FIR dated 2<sup>nd</sup> July, 2023 giving rise to Boxirhat Police

Station Case No. 260 of 2023; FIR dated 29<sup>th</sup> June, 2023 giving rise to Boxirhat Police Station Case No. 254 of 2023 and FIR dated 2<sup>nd</sup> July, 2023 giving rise to Boxirhat Police Station Case no. 261 of 2023 under different provisions of Indian Penal Code. Placing reliance on aforesaid four First Information Reports it has been contended that in close proximity large number of supporters of Bharatiya Janata Party have been implicated in the aforesaid four criminal cases in order to prevent them from taking part in the election and not to allow them to carry out political activities for their party in the ensuing panchayat election scheduled on 8<sup>th</sup> July, 2023 for securing better result of the aforesaid political party.

Learned advocate for the petitioner has also made a prayer for giving necessary direction in order to ensure peaceful election.

Mr. Choudhury, learned additional Advocate General is representing the police administration as well as State respondents has placed reliance on the order dated 4<sup>th</sup> July, 2023 passed by the Hon'ble Division Bench headed by the Hon'ble the Chief Justice in the writ petition being WPA (P) 336/2023 wherein the Hon'ble Division Bench has passed necessary directions for deployment of police personnel as well as Central Force for securing free

and fair election.

Mr. Chowdhury, has further submitted that there is no quarrel with regard to the contention raised relating to necessity to make arrangements for free and fair panchayat election.

This Court having considered the submissions made on behalf of petitioner as well as State respondents including police administration and in consideration of the order passed by the Hon'ble Division Bench dated 4<sup>th</sup> July, 2023 finds that already necessary directions have been given by the Hon'ble Division Bench headed by the Hon'ble the Chief Justice in order to secure peaceful panchayat election on 8<sup>th</sup> July, 2023 on deployment of adequate police personnel and Central Force.

However, it emanates from the submissions made on behalf of the petitioner as well as State respondents including police administration and in consideration of aforesaid four number of First Information Reports against large number of persons that there might be a law and order problem in the area under Boxirhat Police Station in the District of Cooch Behar.

Since allegation has been made that

supporters of a particular political party are being implicated in a criminal proceedings unnecessarily this Court finds it apt to direct the Superintendent of Police, Cooch Behar, to make an enquiry upon deputing competent senior police officials of the district and prepare a report and submit the same on the next date of hearing of the writ petition.

This Court is also inclined to echo the views expressed by the Hon'ble Division Bench in the order dated 4<sup>th</sup> July, 2023 and directs the police administration as well as other State administrative machinery of the district of Cooch Behar to take all possible steps to ensure free and fair panchayat election which is scheduled to be held on 8<sup>th</sup> July, 2023.

Let the matter be listed for further consideration before the next circuit for production of report as directed by this Court hereinabove.

Parties shall be at liberty to mention the matter before the next circuit subject to convenience.

However, it is made clear that report shall be prepared by the Superintendent of Police, Cooch Behar, within a period of three weeks from date.

Parties shall act on the server copy of this order downloaded from official website of this Court.

**(Saugata Bhattacharyya, J.)**