

SL 01
11.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22025 of 2023

**Ruhul @ Ruhul Sk. & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Pratip Chatterjee,
Mr. Mritunjay Chatterjee,
Mr. Debapriya Majuder.
....For the Petitioners.**

**Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.
...For the State.**

The meeting for election of the members of the Sthayee Samity, Raniganagar-II Panchayat Samity is scheduled today at 12 noon. Thirteen members of the said Panchayat Samity has approached this Court by filing the instant writ petition to draw the attention of the Court about the illegal activities of the members of the ruling dispensation and the manner in which they are pressuring the Prescribed Authority in conducting today's meeting.

It has been submitted that there are total 42 members in the Panchayat Samity. The Sabhapati of the Panchayat Samity has been implicated in false criminal case and taken in custody. Six other members of the Panchayat Samity have been named in an FIR lodged before the police and the said members are absconding, fearing arrest. The Pradhan is also absconding and is under the threat of being arrested by the police. It will be practically impossible for all the

members to attend today's meeting for election of the Sthayee Samity.

It has been submitted that the ruling dispensation is creating an atmosphere of terror and hooliganism only to prevent the opposition members to remain present in the meeting for election of the members of the Sthayee Samity.

The FIR named persons are taking steps to avail remedy available to them in law so that they may remain present at the time of the election.

Prayer has been made for postponing the election for the day and for fixing up a separate day for election.

The writ petition has been filed by obtaining leave from the Court in the first session to move the same on urgent basis. Copy of the writ petition has been served in the Office of the Learned Government Pleader.

Let affidavit of service be filed in course of the day.

In view of the resolution adopted by the Bar Association of the High Court at Calcutta not to attend any Court proceeding on account of death of one of the learned members of the Association, learned advocate representing the State seeks accommodation for the day. It has been submitted that brief has been allotted to the learned advocate for the State just now and he seeks time to take instruction in the matter.

In view of the above, the Prescribed Authority and the Sub-Divisional Officer, Domkol is directed not to proceed any further with the election that is scheduled

today at 12 noon and in the event the election has already been conducted, then not to give any effect to the result of the election till September 20, 2023 or until further order whichever is earlier.

Let the matter appear in the list on 14th September, 2023 under the heading **“Urgent Motion”**.

Learned advocate appearing for the petitioners is directed to communicate this order to the Prescribed Authority and the Sub-Divisional Officer, Domkol immediately who is directed to act in accordance with the said communication.

Leave is granted to the learned advocate-on-record of the petitioners to correct the designation of the respondent no. 6. The correct designation will be Prescribed Authority and the Sub-Divisional Officer, Domkol Development Block.

(Amrita Sinha, J.)