

SURYANEEL DAS

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High Court, Calcutta
B.A. LLB (Hons.)
National Law University, Jodhpur
Enrolment No.F-547/710 of 2018 (WB)

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Date : 17.01.2024

To

1., The Learned Government Pleader,
High Court, Calcutta
Appellate Side

2. The Senior Central Government Advocate,
Ministry of Law and Justice,
11, Strand Road, Kolkata

Re: WPA (P) No.26 of 2024
Suvendu Adhikari & Anr.
....Petitioners

Vs.

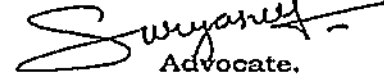
The State of West Bengal & Ors.
...Respondents

Sir(s),

Kindly take note that the captioned matter was mentioned on 17.01.2024 before the Division Bench presided over by the Hon'ble Justice Harish Tandon, ^{T.S. Sivagnanam} having the urgent determination of the Hon'ble The Chief Justice, who after being pleased with the urgency in the matter, directed the matter to be listed tomorrow, i.e., 18.01.2024, before the Hon'ble Division Bench having the determination of Public Interest Litigation. Kindly attend when the matter is taken up tomorrow, i.e., 18.01.2024 by the Hon'ble Bench having determination.

Thanking you,

Yours faithfully,


Advocate.

Encl: As above.

SYNOPSIS

On 16th January, 2024, the Chief Minister of the State of West Bengal in an official press conference held at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024, wherein she has described the manner and mode of the programme will be that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts officials of the Trinamool Congress Party to conduct such Sampriti Rally in all the blocks in the State on the eventful date. Hence this application.

Calcutta High Court - Appellate side

Appellate side -
Case Details

Case Type	: WPA(P)		
Filing Number	: 28/2024	Filing Date:	17-01-2024
Registration Number	: 26/2024	Registration Date:	17-01-2024
CNR Number	: WBCHCA-002641-2024		

Case Status

First Hearing Date	: 18th January 2024
Next Hearing Date	: 18th January 2024
Stage of Case	: NEW MOTION
Coram	: 266111THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Bench	: Division Bench
State	: West Bengal
District	: KOLKATA
Judicial	: MANDAMUS SECTION
Causelist Name	: Daily List

Petitioner and Advocate

1) SUVENDU ADHIKARI AND ANR. Advocate- SURYANEEL DAS

Respondent and Advocate

1) STATE OF WEST BENGAL AND ORS.

Acts

Under Act(s)	Under Section(s)
NO ACT	NA

History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
Daily List	THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNAM , HON'BLE JUSTICE HIRANMAY BHATTACHARYYA		18-01-2024	NEW MOTION

Orders

Order Number	Order on	Judge	Order Date	Order Details
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Category Details

Category	GROUP A (WRIT MATTERS) (1)
Sub Category	Public Interest Litigation (21)

OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	17-01-2024	All Objections are Complied	--	--

Short List of Dates

Dates	Events
16 th January, 2024	The Chief Minister of the State of West Bengal in an official press conference held at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024
16 th January, 2024	The petitioner no.1 made a representation before the Hon'ble Governor of the State of West Bengal and further requested the Hon'ble Governor to immediately takes steps to intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024.
22 nd January, 2024	The Pran Prathista ceremony being scheduled to be held.

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
PUBLIC INTEREST LITIGATION
APPELLATE SIDE

WPA (P) No. _____ of 2024

In the matter of:

An application under Article 226 of
the Constitution of India;

Subject matter relating to:

Under Group - Head-
of the classification list;

Cause Title

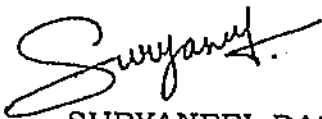
Suvenu Adhikari & Anr.

...Petitioners

-Versus-

The State Of West Bengal & ORS.

... Respondents



SURYANEEL DAS

Advocate

High Court, Calcutta

33K Manoharpukur Road,

Kolkata- 700 029

Mob : 8902268134

Email : suryaneeld@gmail.com

Enrolment No.F/5477/710/2018

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
PUBLIC INTEREST LITIGATION
APPELLATE SIDE

WPA (P) No. 26 of 2024

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

Suwendu Adhikari & Anr.

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The State of West Bengal & Ors.

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DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
 CONSTITUTIONAL WRIT JURISDICTION
 PUBLIC INTEREST LITIGATION
 APPELLATE SIDE

WPA (P) No. of 2024

In the matter of:

An application under Article 226 of
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And

In the matter of:

Suwendu Adhikari & Anr.

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List of Dates

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16 th January, 2024	The petitioner no.1 made a representation before the Hon'ble Governor of the State

of West Bengal and further requested the Hon'ble Governor to immediately takes steps to intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024.

22nd January, 2024

The Pran Prathista ceremony being scheduled to be held.

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
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PUBLIC INTEREST LITIGATION
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WPA (P) No. of 2024

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

Suwendu Adhikari & Anr.

...Petitioners

-Versus-

The State of West Bengal & Ors.

... Respondents

Points of Law

- I. WHETHER on 16th January, 2024, the Chief Minister of the State of West Bengal in an official press conference held at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024, wherein she has described the manner and mode of the programme will be that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts officials of the Trinamool

Congress Party to conduct such Sampriti Rally in all the blocks in the State on the eventful date. Your petitioner craves leave to refer to such video of the press conference at the time of hearing, if necessary.

- II. WHETHER at this juncture it is pertinent to mention that on 22nd January, 2024 is the revered day on which after a wait for over 550 years the auspicious Ram Janmabhumi Temple will be opened upon performance of the Prana Pratistha ceremony as scheduled on such date. It is apposite to mention that not only the entire Nation but the world at large is eagerly waiting for such mega global event signifying the ageless triumph of Sanatan Dharma. After years of waiting the Ram Janamabhumi Mandir will finally be opened and the deity of Maryada Purshottam Sri Ram will finally be consecrated at the grand temple.
- III. WHETHER at the juncture when the nation and world is eagerly awaiting for the mega Hindu event and when the jubilant population throughout the nation including West Bengal is planning for daylong celebrations and processions throughout the length and breadth of India singing the glory of Sri Ram, the Chief Minister of West Bengal in her capacity as the Supremo of the respondent no.6 in a calculated manner has openly taken a stand to create religious disturbance in West Bengal by announcing a Sampriti Rally on the self same date i.e. 22nd January, 2024. The same is yet another tactics of the ruling dispensation of the State to divide the people and not allow celebration to happened in a smooth manner.

- IV. WHETHER it is also pertinent to mention herein that on the auspicious day of 22nd January, 2024 several Ram Pujas and religious events shall be organised by the public at large throughout the country as well as the State of West Bengal.
- V. WHETHER organizing a political rally under the name and banner of Sampriti rally by the ruling dispensation is a direct attempt to create communal tension in the law and order situation in the State thereby putting lives of the general populace of the State in peril. Needless to state that West Bengal has witnessed several communal tensions during the Ram Navami, 2023 and NIA probe has been directed by this Hon'ble Court considering seriousness of the issue. That apart communal riots are commonplace in the State and the same happens whenever the Hindus are celebrating any ceremony like Laxmi Puja, Hanuman Jayanti or Ram Navami. In fact in 2023 the Hon'ble High Court at Calcutta upon a holistic appreciation of the serious state of affairs was pleased to direct deployment of Central Paramilitary Forces in West Bengal during the Hanuman Jayanti.
- VI. WHETHER it can be construed from the actions of the Chief Minister of West Bengal it is evident that a deliberate attempt is being made by the ruling dispensation in the State to create an atmosphere of tension and instigate a communal violence and rioting on the holy date when the grand Ram Janamabhumi Temple will be consecrated in Ayodhya. Such is evident from the fact that the Chief Minister has announced during the Press Conference today that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious

places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts to conduct such Sampriti Rally in all the blocks in the State on the eventful date. It is manifest therefrom that the object of the TMC Supremo is to somehow or the other deliberately lure people to create enmity between communities resulting into outbreak of riots.

VII. WHETHER it is evident from the said press conference that the private respondent headed by the TMC Supremo in order to fulfil her political ambition has planned the said Sampriti Rally with a single point agenda to create communal tension in such a manner that the Hindus of the State are not allowed to celebrate this momentous occasion.

VIII. WHETHER previously this Hon'ble Court had to intervene through its writ jurisdiction during the incidents and riots took place at several places on Ram Navami, 2023, wherein being dissatisfied with the action and/or inaction of the State authorities this Hon'ble Court was please direct NIA probe for the seriousness of the issue, which shows that the respondent authorities have failed to control religious riots and communal incidents. Furthermore, it is pertinent to mention herein that due to incompetence of the State authorities this Hon'ble Court was pleased to frame guidelines for the celebration of Hanuman Jayanti and also directed deployment of Paramilitary force in the state so that no untoward communal incident be takes place. Thus, if on 22nd January, 2024 the public rally as scheduled by the private respondent takes place which can culminate into a communal tension the State

authorities will again fail to control the same and public life and property will be at risk.

- IX. WHETHER the considering aforementioned facts and previous incidents, the petitioner no.1 being the Leader of Opposition was constrained to bring all these facts before the Hon'ble Governor of the State of West Bengal and further requested the Hon'ble Governor to immediately takes steps to intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024 and also to defer it at any subsequent date and further sought for deployment of adequate Central Paramilitary Forces from the Central Government throughout the State in view of the fact that there is a vile design already orchestrated by the ruling party in the State to create severe communal tensions in the State on 22.01.2024 vide a letter dated 16.01.2024.
- X. WHETHER the State Government itself has framed guideline that for permission of any rally in the State such application for the same has to be made not before three weeks or not after two weeks from the date on which such rally is scheduled to be held. In the instant factual milieu, the Chief Minister being the Supremo of the Trinamool Congress has only announced about conduct of such Sampriti Rally on 22nd January, 2024 on 16th January, 2024. Thus it is unclear as to how permissions have been accorded to the respondent no.6 by the State Authorities in derogation of the guidelines framed which would make the permissions so accorded void ab-initio

on being violative of article 14 of the Constitution of India and should be immediately struck down. As a matter of fact on various occasions the application for permission made by the principal opposition political party had been rejected on the ground of such non fulfilment of timeline as promulgated in the above referred guideline.

- XI. WHETHER there has been complete failure of justice.
- XII. WHETHER there have been violations of Articles 14, 19 and 21 of the Constitution of India.
- XIII. WHETHER the acts and conducts on the part of the respondent authorities are arbitrary, whimsical, unfair, unjust and directly infringes upon the right under Article 21 and also the preamble of the Constitution of India.
- XIV. WHETHER the private respondent are trying to incite and instigate one section of the society to perpetrate violence and commit cognizable offenses against another section of the society.

DISTRICT: KOLKATA

Through
S...

2710

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
PUBLIC INTEREST LITIGATION

APPELLATE SIDE

WPA (P) No. _____ of 2024

In the matter of:

An application under Article 226 of
the Constitution of India;

AND

In the matter of:

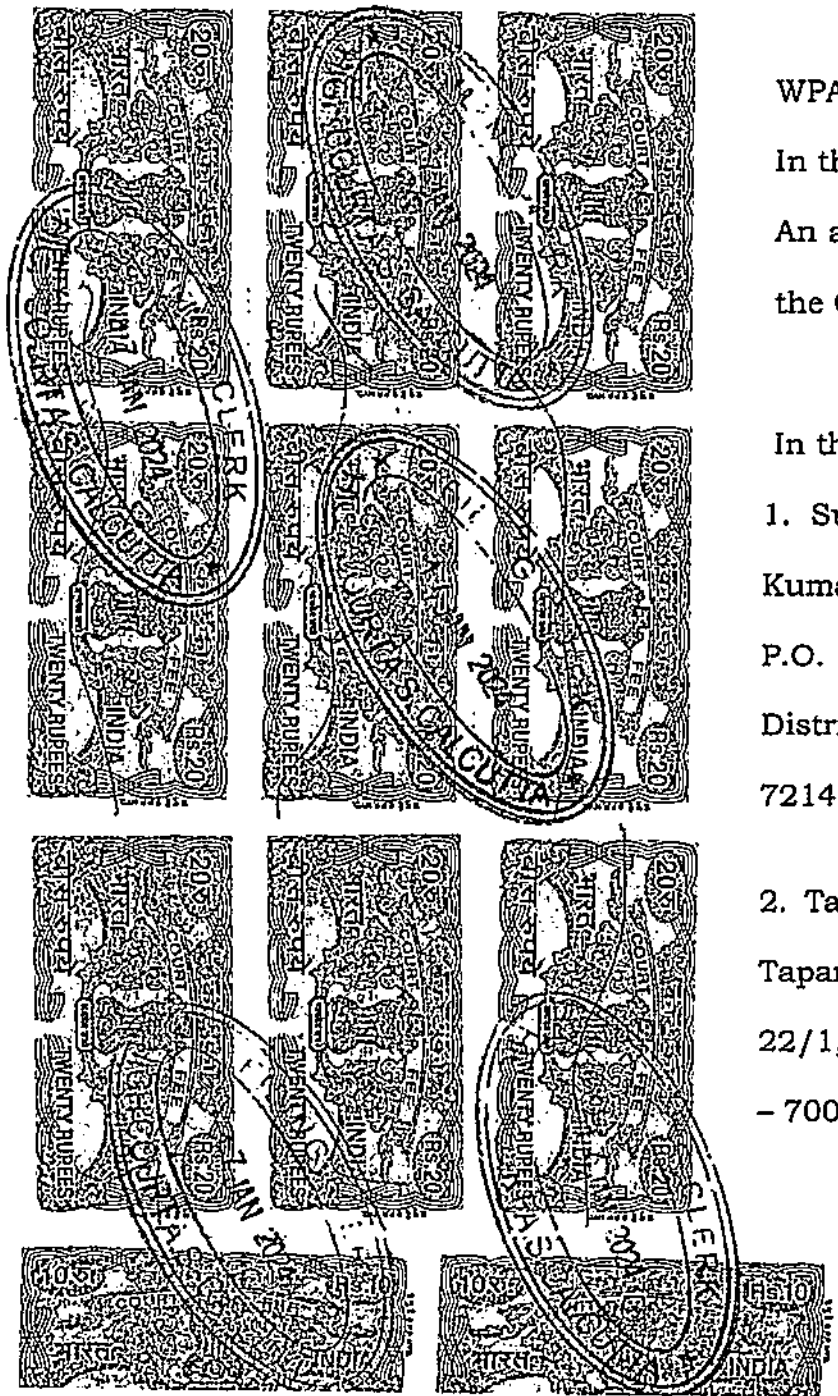
1. Suwendu Adhikari, son of Sisir
Kumar Adhikari residing at Karkuli,
P.O. and Police Station: Contai,
District: Purba Medinipur, Pincode:
721401;

2. Tarun Jyoti Tewari, son of Late
Tapan Kumar Tewari, residing at
22/1, Nivedita Apartment, Kolkata
- 700157

.....Petitioners

-Versus-

1/1



1. THE STATE OF WEST BENGAL, service through the Chief Secretary, having his office at Nabanna, 325, Sarat Chatterjee Road, Howrah, PIN - 711 102;

2. Principal Secretary, Department of Home and Hill Affairs, Government of West Bengal, having his office at Nabanna, 325, Sarat Chatterjee Road, Howrah, PIN - 711 102 ;

3. DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE, WEST BENGAL having its office at Bhawani Bhawan.

4. Union of India, through the Secretary, Ministry of Home Affairs and Cooperation, Government of India, having its office at North Block, Central

Secretariat, New Delhi, Delhi
110001;

5. Commissioner of Police,
Kolkata Police having its office at
Lalbazar, 18, Lalbazar Street,
Kolkata- 700001;

6. All India Trinamool
Congress, a regional party
recognised by the Election
Commission of India service
through its General Secretary
having its central office at 30B,
Harish Chatterjee Street, Kolkata
- 700026;

... Respondents

To,

The Hon'ble T.S. Sivgananam, Chief Justice and His Companion
Justices of the said Hon'ble Court

The humble Petition of the
petitioners above named Most
Respectfully



Sheweth:


1. Your petitioners state that the instant writ petition is being filed in Public Interest. The Petitioners have no personal interest or benefit in the instant litigation and the petition is not guided by self-gain and there is no motive other than of public interest in filing the instant Public Interest Litigation.
2. Your petitioners state that the instant Public Interest Litigation has been based on authentic information and public documents.
3. You petitioners state that the effected parties by the orders sought in the instant Public Interest Litigation would be the respondents mentioned hereinabove in the cause title. To the best of the knowledge of the petitioners, no other person/ bodies/ institutions are likely to be affected by the order sought in the instant Public Interest Litigation.
4. Your Petitioners state that Your Petitioners are law abiding and peace loving citizens of India. The Petitioners are permanent residents of the addresses which have been mentioned hereinabove in the cause title. The Petitioner No. 1 is the leader of opposition of the 17th West Bengal Legislative Assembly and the MLA from



Nandigram Assembly Constituency. The Petitioner No. 2 is a practicing Advocate and also an office bearer of the youth wing of the Bharatiya Janata Party.

5. The respondent Nos. 1 to 5 are amenable to the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. The respondent No. 5 is the ruling political party in the State and their actions form the basis of the instant lis and hence have been arrayed as respondents.


6. The petitioners state that on 16th January, 2024, the Chief Minister of the State of West Bengal in an official press conference held at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024, wherein she has described the manner and mode of the programme will be that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts officials of the Trinamool Congress Party to conduct such Sampriti Rally in all the blocks in the State on the eventful date. Your petitioner craves leave to



refer to such video of the press conference at the time of hearing, if necessary.

7. Your petitioners state that at this juncture it is pertinent to mention that on 22nd January, 2024 is the revered day on which after a wait for over 550 years the auspicious Ram Janmabhumi Temple will be opened upon performance of the Prana Pratistha ceremony as scheduled on such date. It is apposite to mention that not only the entire Nation but the world at large is eagerly waiting for such mega global event signifying the ageless triumph of Sanatan Dharma. After years of waiting the Ram Janamabhumi Mandir will finally be opened and the deity of Maryada Purshottam Sri Ram will finally be consecrated at the grand temple.

8. The petitioners state that at the juncture when the nation and world is eagerly awaiting for the mega Hindu event and when the jubilant population throughout the nation including West Bengal is planning for daylong celebrations and processions throughout the length and breadth of India singing the glory of Sri Ram, the Chief Minister of West Bengal in her capacity as the Supremo of the respondent no.6 in a calculated manner has openly taken a stand to create religious disturbance in West Bengal by announcing a Sampriti Rally on the self same date i.e. 22nd January, 2024. The same is yet



another tactics of the ruling dispensation of the State to divide the people and not allow celebration to happened in a smooth manner.

9. The petitioners state that it is also pertinent to mention herein that on the auspicious day of 22nd January, 2024 several Ram Pujas and religious events shall be organised by the public at large throughout the country as well as the State of West Bengal.

10. Your petitioner states that organizing a political rally under the name and banner of Sampriti rally by the ruling dispensation is a direct attempt to create communal tension in the law and order situation in the State thereby putting lives of the general populace of the State in peril. Needless to state that West Bengal has witnessed several communal tensions during the Ram Navami, 2023 and NIA probe has been directed by this Hon'ble Court considering seriousness of the issue. That apart communal riots are commonplace in the State and the same happens whenever the Hindus are celebrating any ceremony like Laxmi Puja, Hanuman Jayanti or Ram Navami. In fact in 2023 the Hon'ble High Court at Calcutta upon a holistic appreciation of the serious state of affairs was pleased to direct deployment of Central Paramilitary Forces in West Bengal during the Hanuman Jayanti.

11. Your petitioners state that it can be construed from the actions of the Chief Minster of West Bengal it is evident that a



deliberate attempt is being made by the ruling dispensation in the State to create an atmosphere of tension and instigate a communal violence and rioting on the holy date when the grand Ram Janamabhumi Temple will be consecrated in Ayodhya. Such is evident from the fact that the Chief Minister has announced during the Press Conference today that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts to conduct such Sampriti Rally in all the blocks in the State on the eventful date. It is manifest therefrom that the object of the TMC Supremo is to somehow or the other deliberately lure people to create enmity between communities resulting into outbreak of riots.

12. The petitioners state that it is evident from the said press conference that the private respondent headed by the TMC Supremo in order to fulfil her political ambition has planned the said Sampriti Rally with a single point agenda to create communal tension in such a manner that the Hindus of the State are not allowed to celebrate this momentous occasion.

13. The petitioners state that previously this Hon'ble Court had to intervene through its writ jurisdiction during the incidents and




riots took place at several places on Ram Navami, 2023, wherein being dissatisfied with the action and/or inaction of the State authorities this Hon'ble Court was please direct NIA probe for the seriousness of the issue, which shows that the respondent authorities have failed to control religious riots and communal incidents. Furthermore, it is pertinent to mention herein that due to incompetence of the State authorities this Hon'ble Court was pleased to frame guidelines for the celebration of Hanuman Jayanti and also directed deployment of Paramilitary force in the state so that no untoward communal incident be takes place. Thus, if on 22nd January, 2024 the public rally as scheduled by the private respondent takes place which can culminate into a communal tension the State authorities will again fail to control the same and public life and property will be at risk. Copy of the order passed by this Hon'ble Court dated 05.04.2023 and 27.04.2023 in WPA (P) 151 of 2023 is annexed hereto and marked with the letter "P-1".

14. The petitioner states that even the city of Kolkata is very vulnerable for communal riot, which would be evident from a recent incident of communal disharmony took place at Ekbalpur, Kolkata, wherein due to inactiveness of the State authorities, this Hon'ble Court vide an order dated 12.10.2022 was pleased to direct NIA probe for investigation, which shows the incompetence of the state authorities in saving public life and control in as much as that this

Hon'ble Court had to intervene every single time. Copy of the said order dated 12.10.2022 passed in WPA (P) 526 of 2022 is annexed hereto and marked with the letter "P-2".

15. Your petitioners state that the considering aforementioned facts and previous incidents, the petitioner no.1 being the Leader of Opposition was constrained to bring all these facts before the Hon'ble Governor of the State of West Bengal and further requested the Hon'ble Governor to immediately takes steps to intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024 and also to defer it at any subsequent date and further sought for deployment of adequate Central Paramilitary Forces from the Central Government throughout the State in view of the fact that there is a vile design already orchestrated by the ruling party in the State to create severe communal tensions in the State on 22.01.2024 vide a letter dated 16.01.2024. Copy of the said letter dated 16.01.2024 is annexed hereto and marked with the letter "P-3".

16. The Petitioners submit that there has been complete failure of justice.



17. The Petitioners submit that the Pran Prathista ceremony being scheduled to be held on 22nd January, 2024 was decided and declared long back, however, the program announced by the Trinamool Congress has been announced on short notice only to create chaos.

18. The Petitioners submit that there have been violations of Articles 14, 19 and 21 of the Constitution of India.

19. Your petitioners state that the acts and conducts on the part of the respondent authorities are arbitrary, whimsical, unfair, unjust and directly infringes upon the right under Article 21 and also the preamble of the Constitution of India.

20. The Petitioners submit that the private respondent are trying to incite and instigate one section of the society to perpetrate violence and commit cognizable offenses against another section of the society.

21. The petitioners submit that the State Government itself has framed guideline that for permission of any rally in the State such application for the same has to be made not before three weeks or not after two weeks from the date on which such rally is scheduled to be held. In the instant factual milieu, the Chief Minister being the Supremo of the Trinamool Congress has only announced about conduct of such Sampriti Rally on 22nd January, 2024 on 16th



January, 2024. Thus it is unclear as to how permissions have been accorded to the respondent no.6 by the State Authorities in derogation of the guidelines framed which would make the permissions so accorded void ab-initio on being violative of article 14 of the Constitution of India and should be immediately struck down. As a matter of fact on various occasions the application for permission made by the principal opposition political party had been rejected on the ground of such non fulfilment of timeline as promulgated in the above referred guideline.

A copy of such guideline is annexed hereto and marked as Annexure "P-4".

22. Thus, being aggrieved by and dissatisfied with the actions of the respondent authorities and eminent risk to the lives of public at large, your petitioners begs to prefer this writ application under Article 226 of the Constitution of India, inter alia, on the following amongst other -

G R O U N D S

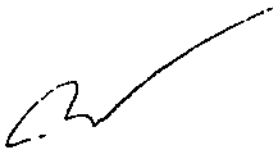
- I. FOR THAT on 16th January, 2024, the Chief Minister of the State of West Bengal in an official press conference held at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024,



wherein she has described the manner and mode of the programme will be that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts officials of the Trinamool Congress Party to conduct such Sampriti Rally in all the blocks in the State on the eventful date. Your petitioner craves leave to refer to such video of the press conference at the time of hearing, if necessary.

- II. FOR THAT at this juncture it is pertinent to mention that on 22nd January, 2024 is the revered day on which after a wait for over 550 years the auspicious Ram Janmabhumi Temple will be opened upon performance of the Prana Pratistha ceremony as scheduled on such date. It is apposite to mention that not only the entire Nation but the world at large is eagerly waiting for such mega global event signifying the ageless triumph of Sanatan Dharma. After years of waiting the Ram Janamabhumi Mandir will finally be opened and the deity of Maryada Purshottam Sri Ram will finally be consecrated at the grand temple.



- III. FOR THAT at the juncture when the nation and world is eagerly awaiting for the mega Hindu event and when the jubilant population throughout the nation including West Bengal is planning for daylong celebrations and processions throughout the length and breadth of India singing the glory of Sri Ram, the Chief Minister of West Bengal in her capacity as the Supremo of the respondent no.6 in a calculated manner has openly taken a stand to create religious disturbance in West Bengal by announcing a Sampriti Rally on the self same date i.e. 22nd January, 2024. The same is yet another tactics of the ruling dispensation of the State to divide the people and not allow celebration to happened in a smooth manner.
- IV. FOR THAT it is also pertinent to mention herein that on the auspicious day of 22nd January, 2024 several Ram Pujas and religious events shall be organised by the public at large throughout the country as well as the State of West Bengal.
- V. FOR THAT organizing a political rally under the name and banner of Sampriti rally by the ruling dispensation is a direct attempt to create communal tension in the law and order situation in the State thereby putting lives of the general populace of the State in peril. Needless to state that West Bengal has witnessed several communal tensions during the
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Ram Navami, 2023 and NIA probe has been directed by this Hon'ble Court considering seriousness of the issue. That apart communal riots are commonplace in the State and the same happens whenever the Hindus are celebrating any ceremony like Laxmi Puja, Hanuman Jayanti or Ram Navami. In fact in 2023 the Hon'ble High Court at Calcutta upon a holistic appreciation of the serious state of affairs was pleased to direct deployment of Central Paramilitary Forces in West Bengal during the Hanuman Jayanti.

- VI. FOR THAT it can be construed from the actions of the Chief Minister of West Bengal it is evident that a deliberate attempt is being made by the ruling dispensation in the State to create an atmosphere of tension and instigate a communal violence and rioting on the holy date when the grand Ram Janamabhumi Temple will be consecrated in Ayodhya. Such is evident from the fact that the Chief Minister has announced during the Press Conference today that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts to conduct such Sampriti Rally in all the blocks in the State on the eventful date. It is

manifest therefrom that the object of the TMC Supremo is to somehow or the other deliberately lure people to create enmity between communities resulting into outbreak of riots.

VII. FOR THAT it is evident from the said press conference that the private respondent headed by the TMC Supremo in order to fulfil her political ambition has planned the said Sampriti Rally with a single point agenda to create communal tension in such a manner that the Hindus of the State are not allowed to celebrate this momentous occasion.

VIII. FOR THAT previously this Hon'ble Court had to intervene through its writ jurisdiction during the incidents and riots took place at several places on Ram Navami, 2023, wherein being dissatisfied with the action and/or inaction of the State authorities this Hon'ble Court was please direct NIA probe for the seriousness of the issue, which shows that the respondent authorities have failed to control religious riots and communal incidents. Furthermore, it is pertinent to mention herein that due to incompetence of the State authorities this Hon'ble Court was pleased to frame guidelines for the celebration of Hanuman Jayanti and also directed deployment of Paramilitary force in the state so that no untoward communal incident be takes place. Thus, if on 22nd January, 2024 the

public rally as scheduled by the private respondent takes place which can culminate into a communal tension the State authorities will again fail to control the same and public life and property will be at risk.

IX. FOR THAT the considering aforementioned facts and previous incidents, the petitioner no.1 being the Leader of Opposition was constrained to bring all these facts before the Hon'ble Governor of the State of West Bengal and further requested the Hon'ble Governor to immediately takes steps to intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024 and also to defer it at any subsequent date and further sought for deployment of adequate Central Paramilitary Forces from the Central Government throughout the State in view of the fact that there is a vile design already orchestrated by the ruling party in the State to create severe communal tensions in the State on 22.01.2024 vide a letter dated 16.01.2024.

X. For that the State Government itself has framed guideline that for permission of any rally in the State such application for

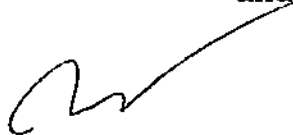


the same has to be made not before three weeks or not after two weeks from the date on which such rally is scheduled to be held. In the instant factual milieu, the Chief Minister being the Supremo of the Trinamool Congress has only announced about conduct of such Sampriti Rally on 22nd January, 2024 on 16th January, 2024. Thus it is unclear as to how permissions have been accorded to the respondent no.6 by the State Authorities in derogation of the guidelines framed which would make the permissions so accorded void ab-initio on being violative of article 14 of the Constitution of India and should be immediately struck down. As a matter of fact on various occasions the application for permission made by the principal opposition political party had been rejected on the ground of such non fulfilment of timeline as promulgated in the above referred guideline.

XI. FOR THAT there has been complete failure of justice.

XII. FOR THAT there have been violations of Articles 14, 19 and 21 of the Constitution of India.

XIII. FOR THAT the acts and conducts on the part of the respondent authorities are arbitrary, whimsical, unfair, unjust and directly infringes upon the right under Article 21 and also the preamble of the Constitution of India.



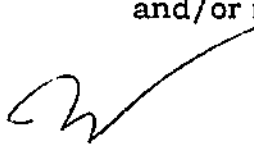
XIV. FOR THAT the private respondent are trying to incite and instigate one section of the society to perpetrate violence and commit cognizable offenses against another section of the society.

23. The Petitioners submit that there is grave urgency in the matter since the illegal acts as complained of hereinbefore have been conspired to be perpetrated on 22nd January, 2024 and hence there is grave urgency for which the petitioners seeks the kind leave of this Hon'ble Court Rule 26 of the Calcutta High Court Rules relating to application under Article 226 of the Constitution of India.

24. Your petitioners submit that the balance of convenience and/or inconvenience is towards granting of an order in favour of your petitioners. The Petitioners has been able to make out a prima facie case and if orders as sought for, is not passed, the Public at large will suffer irreparable loss and injury.

25. The petitioners state that all records pertaining to the instant case are lying in the office of the respondents within the jurisdiction of this Hon'ble Court.

26. Your petitioners are not guilty of any willful delay or laches and/or negligence.



27. There is no other alternative or efficacious remedy available to your petitioners than to prefer this application and the reliefs prayed for herein, if granted, will give your petitioners full and complete relief.

28. On the self-same facts and cause of action, no other application has been filed by the petitioners in this Hon'ble Court or any other Court of Law.

29. This application is made bonafide and in the interest of justice.

In the aforesaid circumstances it is respectfully prayed that Your Lordships may graciously be pleased to issue:-

a) Dispense with Rule 26 of the Calcutta High Court Writ Rules;

b) A writ of or in the nature of Certiorari, commanding the respondents and each one of them, their men, agents and assigns to



certify and transmit to this Hon'ble Court the records of the case herein, so that conscionable justice may be administered by quashing any decision arrived at by the respondent authorities which has the effect of allowing the perpetration of the public rally which have been planned to be organised by the respondent No. 6 on 22nd January, 2024.

c) A writ of and/or in the nature of Mandamus directing the respondent No.1 and the State police authorities to restrain the workers, members and officials of the respondent no.6 from conducting any rally as has been planned by the respondent Nos. 6 which is to be organized on 22nd January, 2024 throughout the state;

d) A writ of and/or in the nature of Mandamus directing the



respondent Nos. 1, 2 and 3 to ensure that there is no breach of peace and tranquility is maintained in the State of West Bengal on 22nd January, 2024;

e) A writ of and/or in the nature of Mandamus directing the Respondent No. 4 to deploy Central Paramilitary Forces in the State of West Bengal, on 22nd January, 2024 to ensure there are no incidents of communal violence;

f) Rule NISI in terms of prayers 'a' to 'd' and to make the Rule absolute if no cause or insufficient cause is shown;

g) An interim order be passed restraining the workers, members and officials of the respondent no.6 from conducting any rally as has been planned by the respondent



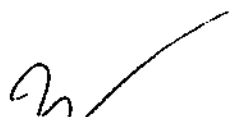
Nos. 6 which is to be organized on 22nd January, 2024 throughout the state;

h) An interim order be passed directing the respondent Nos. 1, 2 and 3 to ensure that there is no breach of peace and tranquility is maintained in the State of West Bengal on 22nd January, 2024;

i) An interim order directing the Respondent No. 4 to deploy Central Paramilitary Forces in the State of West Bengal, on 22nd January, 2024 to ensure there are no incidents of communal violence;

j) Ad-interim order in terms of prayers above;

k) Such other or further order or orders and/or direction or directions



as to this Hon'ble Court may deem
fit and proper.

And for this, your petitioners as in duty bound, shall ever pray.

Tarunjit Kaur

I certify that the petitioner no. 2
is duly authorised by the petitioner
no. 1 to sign and affirm the instant petition

Suryanuj
Ades

✓



Affidavit

I, Tarun Jyoti Tewari, son of Late Tapan Kumar Tewari, aged about- 34 years, by faith - Hindu, by occupation - Lawyer, residing at 22/1, Nivedita Apartment, Chinar Park, Kolkata- 700157, do hereby solemnly affirm and say as follows:

1. I am the Petitioner No.2 and am also the authorized representative of the petitioner no.1 in the instant case and I am well acquainted with the facts and circumstances of the case and am competent to sign and affirm this instant affidavit on behalf of myself and petitioner No.1 abovenamed.

2. That the statements made in paragraph Nos. 1 to 5, ~~are~~^{6 to 12} are true to the best of my knowledge and those in paragraph Nos. 13, 14, 18, 21 are based on information and the rest are my respectful submissions before this Hon'ble Court.

Prepared in my office

Suryanuj
Advocate

Enrolment No.F/547/710/2018

Tarun Jyoti Tewari
The Deponent is known to me

Ananta Mishra - 2-18
Clerk to. *Saratan Panja*

Advocate

Solemnly affirmed before me on this the 17th day of January, 2024.

[Signature]
17/01/24
COMMISSIONER
Commissioner of Affidavit
High Court, Appellate etc
Calcutta

I certify that all annexure are legible.

Suryanuj
Advocate

ANNEXURE - "A"
- 26 -

05.04.2023
Item No. 1+55
RP/AN
Ct. No. 1

WPA (P) 151 of 2023
Sri Suwendu Adhikari
Vs.
The State of West Bengal & Ors.
with
WPA (P) 154 of 2023
Ambooj Sharma
Vs.
Union of India & Ors.

Mr. Soumya Majumder,
Mr. Srijib Chakraborty,
Mr. Anish Kumar Mukherjee,
Mr. Suryancel Das,
Mr. Chiranjib Pal

... for the petitioner.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Sandipan Das
Mr. Ankur Sharma
Mr. Badrul Karim
Mr. Dipankar Das

... for the petitioner
in WPA (P) 154 of 2023

Mrs. Priyanka Tibrewal

... for the Intervenor
in WPA(P) 162 of 2023

Mr. S. N. Mookherjee, Ld. A. G.,
Mr. Anirban Ray, Ld. G. P.,
Mr. Md. T. M. Siddique,
Mr. Nilotpal Chatterjee,
Mr. Debashis Ghosh,
Mr. Yesh Singhi

... for the State.

Mr. Asok Kumar Chakraborty, Ld. A.S.G.,
Mr. Sukumar Bhattacharya

... for the Union of

India.

Mr. Billwadal Bhattacharya, learned Deputy
Solicitor General of India

Mr. Debasish Tandon

... for the NIA.

Mr. Dhiraj Trivedi, learned D.S.G.I.

Annexure..... 211
To in paragraph..... 13
Foregoing Petition affirmed
by T. Jati Tandan
in this Day of

Commissioner of Affidavit
High Court, Appellate Side.
Calcutta

- 27 -

Mr. Amajit De, Special P.P., CBI

Mr. Shailendra Kr. Mishra

... for the CBI

1. Reference may be made to the order dated 3rd April, 2023 which reads as follows:

"This writ petition styled as a public interest litigation has been filed praying or issuance of a writ of mandamus to direct the Central Bureau of Investigation to register an FIR into the act of violence, arson and communal conflagration at Howrah and Dalkhola on 30th March, 2023 on the occasion of Ram Navami. The petitioner also prays for issuance of a writ of mandamus to direct the National Investigation Agency to conduct investigation, inter alia, into the use of explosive substances in the violence in the said areas on 30th March, 2023.

2. *The learned Advocate appearing for the writ petitioner has drawn our attention to the representation given by the petitioner to His Excellency The Hon'ble Governor of West Bengal on 30th March, 2023 and to the Hon'ble Union Home and Cooperation Minister, Ministry of Home Affairs, Government of India, New Delhi, which is also dated 30th March, 2023.*

3. *The concern expressed by the petitioner is that violence still continues in the said areas and there is an absolute failure on the part of the State police in bringing the situation under control. It is also pointed out that in certain areas, the internet connection has also been suspended.*

4. *There are other learned Advocates, who also seek to file similar writ petitions but, however, the Court made it clear that they will be heard in the matter so that the multiplicity can be avoided. It is submitted by the learned Advocate that in the procession, fire arms were used and this was not prevented by the State police, which led to lot of innocent people being severely injured.*

5. *The learned Advocate General appearing for the State would submit that the situation is under control and would like to highlight certain other issues such as how the conditions imposed by the Commissioner of Police, Howrah in the licence / permission granted were violated by the groups that joined the procession and also about the cases which have been registered, the arrests already made and statements that have been recorded under Section 161 of the Cr.P.C.*

6. *Let a comprehensive report be filed by the respondents/State covering all aspects with liberty to produce CCTV and video footages on the next hearing date. The respondents/State shall ensure that the public of the areas are not in any manner affected by any fresh incident of any violence or arson and the law and order should be kept under control. The safety of the school going children, the residents of the locality and the businessmen should be sufficiently safeguarded.*

7. *Needless to state that adequate deployment of police force shall be made so that peace and tranquility prevails in the said areas.*

8. *Let such report be filed not later than 5th April, 2023 after serving advance copies on the learned Advocates for the parties.*

9. *List this matter on 6th April, 2023 in the same position."*

2. In terms of the directions made in the above order, report has been filed on behalf of the Commissioner of Police, Howrah Police Commissionerate, report on behalf of C.I.D regarding Shibpur Police Station Case No.113 of 2023, report on behalf of the Superintendent of Police, Islampur

and report on behalf of Commissioner of Police, Chandannagar Police Commissionerate. The reports appear to be elaborate along with annexures which are taken on record. The contents of the report will be examined on the next hearing date.

3. The issue which has been brought to our notice by the learned counsel appearing for the petitioners as well as the learned advocates, who are granted leave to make submission before this Court and after hearing submission of the learned Advocate General, learned Additional Solicitor General, learned counsel appearing on behalf of the National Investigation Agency, we are of the view that certain directions are required to be issued so as to ensure that Hanuman Jayanti to be celebrated on 6th April, 2023 is celebrated in a peaceful manner without any untoward incident.

4. The learned Advocate General has produced before us a copy of the application which the concerned organizing body has to submit before the Joint Commissioner of Police Headquarter, Kolkata for granting 'No Objection Certificate' for conducting meeting or rally or procession. Such form contains 27 conditions, which have been perused by us. We find that the conditions should be more stringent and it appears that the form is a common form for all processions, rallies and meetings and considering the

fact that during the Ram Navami festival several incidents had occurred in the neighbouring districts of Kolkata, more stringent conditions have to be imposed.

5. First and foremost is the accountability of the persons organizing the rally or procession should be made accountable for any untoward incident and requisite amendments be made in the form. The police authorities are at liberty to restrict the number of participants in the procession so that the procession is taken out with religious flavour without any political affiliations. The police shall ensure that at all vantage points barricades are erected and preferably a common route can be prescribed for the procession to proceed so that the police authorities will be able to control the crowd and prevent any untoward incident. The police shall also have the discretion to restrict the route considering the past events which took place, which are wholly unpleasant. The police authorities are directed to conduct a route march today (5.4.2023) to assure and reassure the public that the police are there to safeguard their interest. In areas where order under Section 144 of the Criminal Procedure Code have been promulgated no rally or procession should be conducted.

6. It is stated by the learned Advocate General that the organizations which have applied for permission to conduct procession would furnish the names of their volunteers. In our considered view, the volunteers who may assist the police will not be in a position to control any untoward incident. So the role of the volunteers should be made minimal and full details of the volunteers should be collected by the police and they should be given identity cards. Additional CCTV cameras should be installed apart from video graphing the vantage areas through which the procession will be taken through.

7. It is submitted by the learned Advocate General that as to how more than 160 applications have been received as of now for conduct of the procession. We are informed that a large number of police force has been deployed in those vantage areas to maintain law and order situation. Therefore, considering the largeness of the issue and in order to avoid any breach of peace, we are of the definite view that the State Government should requisition the assistance of paramilitary force from the Central Government. In fact, this was the observation, made by the Hon'ble Division Bench of this Court in the Case of WPA(P) 258 of 2022 dated 15th June, 2022. The assistance of the paramilitary force will definitely help the state police in maintaining the law and order situation

apart from assuring the general public that their safety and security will be taken care of.

8. That apart, the State will also be at liberty to take appropriate action under the provisions of West Bengal Maintenance of Public Order (Amendment) Act, 1972 as amended by the West Bengal Maintenance of the Public Order (amendment) Act, 2017 wherever it is necessary.

9. The purport and scope of this order and direction is to ensure that public are assured and reassured that they will be safe in their homes and they will not be affected by any riotous behaviour of miscreants.

10. The Registry of this Court has received a representation from the Additional District and Sessions Judge, Diamond Harbour, South-24 Parganas wherein he has lamented that he is unable to even get requisite police assistance for his family and himself, whose residence is situated in Rishra. This aspect is also to be taken into consideration and it should be ensured that any of these districts which are perceived to be the sensitive areas, the judges of the District Judiciary should be in a position to freely discharge their judicial functions and if there is any request made by the District Judiciary for adequate police help or protection to enable them to function peacefully or protection for their family, the same

shall be provided by the State without putting any fetters.

11. It goes without saying that if any of the local people apprehend any breach of peace in their locality and if the same is brought to the notice of the police authorities they should immediately act on such request and ensure that no untoward incident occurs in their area.

12. Thus, what is to be highlighted is that "prevention is better than cure". Therefore, the State police are required to take all steps with the assistance of the paramilitary force or any other central force to prevent any untoward incident so that public are not put to jeopardy. The above directions shall be scrupulously complied with.

13. The learned counsel appearing for one of the writ petitioners submitted that in Rishra where rioting took place, stones were pelted from roof tops of the building. Had the intelligence wing of the police department been little more vigilant, such pre-planned attack could have been easily been avoided. Therefore, the intelligence wing of State Police shall take all steps be taken to avoid any such pre-planned attacks or violence.

14. The above directions shall be scrupulously complied with and action taken report be submitted on the next date of hearing.

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15. Considering the sensitivity of the problem, this Court directs that no person either a political personality or a leader or a common man shall make any statement in public or to the media concerning the festival to be celebrated tomorrow.

16. As we have directed the State to make request for deployment of paramilitary forces, the concerned authority of the Central Government shall take expeditious steps in deploying such force since the festival is to be celebrated tomorrow (i.e. 6th April, 2023).

17. List this matter on 10th April, 2023 for further consideration.

(T. S. SIVAGNAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYA, J.)

WPA (P) NO. (151 OF 2023) AND CONNECTED MATTERS
REPORTABLE

IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(PUBLIC INTEREST LITIGATION)
APPELLATE SIDE

RESERVED ON: 10.04.2023
DELIVERED ON: 27.04.2023

CORAM:

THE HON'BLE MR. ACTING CHIEF JUSTICE T.S. SIVAGNANAM

AND

THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA

WPA (P) 151 OF 2023
SRI SUVENDU ADHIKARI

VERSUS

THE STATE OF WEST BENGAL AND OTHERS

WITH

WPA (P) 154 OF 2023
AMBOOJ SHARMA

VERSUS

UNION OF INDIA AND OTHERS

WITH

WPA (P) 156 OF 2023
INDRA DEO DUBEY

VERSUS

UNION OF INDIA AND OTHERS

WITH

WPA (P) 162 OF 2023
PRIYANKA TIBREWAL

VERSUS

THE STATE OF WEST BENGAL AND OTHERS

Appearance:-

Mr. Soumya Majumder, Adv.
Mr. Srijob Charkarborty, Adv.
Mr. Anish Kumar Mukherjee, Adv.
Mr. Suryaneel Das, Adv.

.....For the Petitioner in
WPA (P) 151 of 2023

Mr. Sabyasachi Chatterjee, Adv.
Mr. Sayan Banerjee, Adv.
Mr. Akashdeep Mukherjee, Adv.
Mr. Badrul Karim, Adv.
Mr. Kiran Sk., Adv.
Mr. Dipankar Das, Adv.

.....For the Petitioner
In WPA (P) 154 of 2023

Ms. Priyanka Tibrewal

.....Petitioner-in-person
In WPA (P) 162 of 2023

Mr. S.N. Mookherjee, Ld. A.G.
Mr. Anirban Ray, Adv.
Md. T.M. Siddique, Adv.
Mr. Amitesh Banerjee, Adv.
Mr. Nilotpal Chatterjee, Adv.
Mr. Avishek Prasad, Adv.
Mr. Debashis Ghosh, Adv.
Mr. A. Pandey, Adv.

.....For the State.

Mr. Asok Kumar Chakraborty, Ld. A.S.G.
Mr. Sukumar Bhattacharya, Adv.

.....For the Union of India

Mr. Billwadal Bhattacharya, Ld. D.S.G.I.
Mr. Debasish Tandon, Adv.

.....For the NIA

Mr. Dhiraj Trivedi, Ld. D.S.G.I.
Mr. Shailendra Kr. Mishra, Adv.

.....For the CBI

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, ACJ.)

1. The petitioner in WPA 151 of 2023 is a Member of Legislative Assembly of West Bengal and leader of a political party. The petitioner in WPA (P) 154 of 2023, states that he is a social worker and a political activist associated with a particular political party. The petitioner in WPA 156 of 2023 also states that he is a Member of an organization and convener of Ram Navami Sobhayatra rally for the year 2023. The petitioner in WPA 162 of 2023 is appearing in person is an Advocate practicing before this Court and a Member of a political party. Though, there may be a slight variation in the prayer sought for essentially the grievances expressed by all the 4 petitioners are identical. Since WPA 151 of 2023 was the first writ petition which was filed, the same is taken as a lead case. In the said writ petition, the petitioner prays for issuance of a writ of mandamus to direct the Central Bureau of Investigation (CBI) to register an FIR into the acts of violence, arson and communal conflagration at Howrah and Dalkhola on 30th March, 2023 on the occasion of Ram Navami and conduct investigation into the same. The petitioner also seeks for issuance of a writ of mandamus to direct the National Investigation Agency (NIA) to conduct investigation into the use of explosive substances, in the violence, arson and communal conflagration in the said areas on 30th March, 2023 on the occasion of Ram Navami. The writ petition was heard on 3rd April, 2023 and this Court passed the following order.

1. *This writ petition styled as a public interest litigation has been filed praying for issuance of a writ of*

mandamus to direct the Central Bureau of Investigation to register an FIR into the act of violence, arson and communal conflagration at Howrah and Dalkhola on 30th March, 2023 on the occasion of Ram Navami. The petitioner also prays for issuance of a writ of mandamus to direct the National Investigation Agency to conduct investigation, inter alia, into the use of explosive substances in the violence in the said areas on 30th March, 2023.

2. The learned Advocate appearing for the writ petitioner has drawn our attention to the representation given by the petitioner to His Excellency The Hon'ble Governor of West Bengal on 30th March, 2023 and to the Hon'ble Union Home and Cooperation Minister, Ministry of Home Affairs, Government of India, New Delhi, which is also dated 30th March, 2023,

3. The concern expressed by the petitioner is that violence still continues in the said areas and there is an absolute failure on the part of the State police in bringing the situation under control. It is also pointed out that in certain areas, the internet connection has also been suspended.

4. There are other learned Advocates, who also seek to file similar writ petitions but, however, the Court made it clear that they will be heard in the matter so that the multiplicity can be avoided. It is submitted by the learned Advocate that in the procession, fire arms were used and this was not prevented by the State police, which led to lot of innocent people being severely injured.

5. The learned Advocate General appearing for the State would submit that the situation is under control and would like to highlight certain other 2 issues such as how the conditions imposed by the Commissioner of Police, Howrah in the licence / permission granted were violated by the groups that joined the procession and also about the cases which have been registered, the arrests already made and statements that have been recorded under Section 161 of the Cr.P.C.

6. Let a comprehensive report be filed by the respondents/State covering all aspects with liberty to produce CCTV and video footages on the next hearing date.

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The respondents/State shall ensure that the public of the areas are not in any manner affected by any fresh incident of any violence or arson and the law and order should be kept under control. The safety of the school going children, the residents of the locality and the businessmen should be sufficiently safeguarded.

7. *Needless to state that adequate deployment of police force shall be made so that peace and tranquillity prevails in the said areas.*

8. *Let such report be filed not later than 5th April, 2023 after serving advance copies on the learned Advocates for the parties.*

9. *List this matter on 6th April, 2023 in the same position.*

2. By the above order, a comprehensive report by the respondent / State covering all aspects was directed to be submitted with the further direction to the respondent/ State to ensure with the public of the areas are not in any manner affected by any fresh incidents of violence or arson and law and order should be kept under control. Further, safety of the school going children, the residents of the locality and the businessmen was also directed to be safeguarded. Direction was issued to deploy adequate police force so that peace and tranquillity prevails in the said areas. Though the matter was directed to listed on 6th April, 2023, since the learned Advocate appearing for the writ petitioner mentioned the matter for listing the same earlier than 06.04,2023 on the ground that a supplementary affidavit has been filed by the writ petitioner dated 3rd April, 2023 reporting about the violence which has spread to several parts of the State such as Rishra area of Hooghly District wherein on 2nd April, 2023 violence has erupted and there was severe pelting of stones and hurling of bombs which resulted in several

public who had been severely injured and also there has been death being reported. Further, the situation had deteriorated to the extent that internet service has been suspended in the entire District. Photographs of people injured in the violence at Rishra were annexed to the supplementary affidavit as also the notifications issued by the Government suspending the internet services were appended. The petitioner thus stated that the materials annexed to the supplementary affidavit has come to his knowledge after filing writ petition of the same are necessary for the adjudication of the writ petition and the same ought to be brought on record. The supplementary affidavit was taken on record and copies were served to the learned Advocate General and the learned Advocates appearing for the respondents. On 5th of April, 2023, the matter was heard and the following order was passed.

2. *In terms of the directions made in the above order, report has been filed on behalf of the Commissioner of Police, Howrah Police Commissionerate, report on behalf of C.I.D regarding Shibpur Police Station Case No.113 of 2023, report on behalf of the Superintendent of Police, Islampur 3 and report on behalf of Commissioner of Police, Chandannagar Police Commissionerate. The reports appear to be elaborate along with annexures which are taken on record. The contents of the report will be examined on the next hearing date.*

3. *The issue which has been brought to our notice by the learned counsel appearing for the petitioners as well as the learned advocates, who are granted leave to make submission before this Court and after hearing submission of the learned Advocate General, learned Additional Solicitor General, learned counsel appearing on behalf of the National Investigation Agency, we are of the view that certain directions are required to be issued so as to ensure that Hanuman Jayanti to be celebrated on 6th April, 2023*

is celebrated in a peaceful manner without any untoward incident.

4. The learned Advocate General has produced before us a copy of the application which the concerned organizing body has to submit before the Joint Commissioner of Police Headquarter, Kolkata for granting 'No Objection Certificate' for conducting meeting or rally or procession. Such form contains 27 conditions, which have been perused by us. We find that the conditions should be more stringent and it appears that the form is a common form for all processions, rallies and meetings and considering the fact that during the Ram Navami festival several incidents had occurred in the neighbouring districts of Kolkata, more stringent conditions have to be imposed.

5. First and foremost is the accountability of the persons organizing the rally or procession should be made accountable for any untoward incident and requisite amendments be made in the form. The police authorities are at liberty to restrict the number of participants in the procession so that the procession is taken out with religious flavour without any political affiliations. The police shall ensure that at all vantage points barricades are erected and preferably a common route can be prescribed for the procession to proceed so that the police authorities will be able to control the crowd and prevent any untoward incident. The police shall also have the discretion to restrict the route considering the past events which took place, which are wholly unpleasant. The police authorities are directed to conduct a route march today (5.4.2023) to assure and reassure the public that the police are there to safeguard their interest. In areas where order under Section 144 of the Criminal Procedure Code have been promulgated no rally or procession should be conducted.

6. It is stated by the learned Advocate General that the organizations which have applied for permission to conduct procession would furnish the names of their volunteers. In our considered view, the volunteers who may assist the police will not be in a position to control any untoward incident. So the role of the volunteers should be

made minimal and full details of the volunteers should be collected by the police and they should be given identity cards. Additional CCTV cameras should be installed apart from video graphing the vantage areas through which the procession will be taken through.

7. It is submitted by the learned Advocate General that as to how more than 160 applications have been received as of now for conduct of the procession. We are informed that a large number of police force has been deployed in those vantage areas to maintain law and order situation. Therefore, considering the largeness of the issue, and in order to avoid any breach of peace, we are of the definite view that the State Government should requisition the assistance of paramilitary forces from the Central Government. In fact, this was the observation, made by the Hon'ble Division Bench of this Court in the Case of WPA(P) 258 of 2022 dated 15th June, 2022. The assistance of the paramilitary force will definitely help the state police in maintaining the law and order situation apart from assuring the general public that their safety and security will be taken care of.

8. That apart, the State will also be at liberty to take appropriate action under the provisions of West Bengal Maintenance of Public Order (Amendment) Act, 1972 as amended by the West Bengal Maintenance of the Public Order (amendment) Act, 2017 wherever it is necessary.

9. The purport and scope of this order and direction is to ensure that public are assured and reassured that they will be safe in their homes and they will not be affected by any riotous behaviour of miscreants.

10. The Registry of this Court has received a representation from the Additional District and Sessions Judge, Diamond Harbour, South-24 Parganas wherein he has lamented that he is unable to even get requisite police assistance for his family and himself, whose residence is situated in Rishra. This aspect is also to be taken into consideration and it should be ensured that any of these districts which are perceived to be the sensitive areas, the judges of the District Judiciary should be in a position to freely discharge their judicial functions and if there is any request made by the District Judiciary for adequate police

help or protection to enable them to function peacefully or protection for their family, the same 7 shall be provided by the State without putting any fetters.

11. It goes without saying that if any of the local people apprehend any breach of peace in their locality and if the same is brought to the notice of the police authorities they should immediately act on such request and ensure that no untoward incident occurs in their area.

12. Thus, what is to be highlighted is that "prevention is better than cure". Therefore, the State police are required to take all steps with the assistance of the paramilitary force or any other central force to prevent any untoward incident so that public are not put to jeopardy. The above directions shall be scrupulously complied with.

13. The learned counsel appearing for one of the writ petitioners submitted that in Rishra where rioting took place, stones were pelted from roof tops of the building. Had the intelligence wing of the police department been little more vigilant, such preplanned attack could have been easily avoided. Therefore, the intelligence wing of State Police shall take all steps to be taken to avoid any such pre-planned attacks or violence.

14. The above directions shall be scrupulously complied with and action taken report be submitted on the next date of hearing.

15. Considering the sensitivity of the problem, this Court directs that no person either a political personality or a leader or a common man shall make any statement in public or to the media concerning the festival to be celebrated tomorrow.

16. As we have directed the State to make request for deployment of paramilitary forces, the concerned authority of the Central Government shall take expeditious steps in deploying such force since the festival is to be celebrated tomorrow (i.e. 6th April, 2023).

17. List this matter on 10th April, 2023 for further consideration.

3. In terms of the directions issued in the order dated 3rd April, 2023, the reports were filed by the Commissioner of Police, Howrah Police Commissionerate, report on behalf of CID regarding Shibpur Police Station case No. 113 of 2023, report on behalf of Superintendent of Police Islampur and report on behalf of the Commissioner of Police, Chandannagar Police Commissionerate. When the matter was heard on 5th April, 2023 it was stated that Hanuman Jayanti is to be celebrated on 6th April, 2023 and the writ petitioner apprehended violence during the celebration as the violence which erupted during Ram Navami had still not ebbed and therefore, necessary directions were sought for. The learned Advocate General placed before this Court, the copy of the application which the concerned organizations are required to submit for obtaining "No Objection Certificate" for conducting meeting or rally and submitted that 27 conditions had been laid down which are to be complied with by the applicant. On perusal of the 27 conditions we found that the condition should be more stringent as the form appeared to be a common form for all processions, rallies and meeting. Thus, considering the violence which erupted during Ram Navami festival we directed that some stringent conditions should be imposed. Various other observations and directions were made, issued so that the rally or procession which is organized during the Hanuman Jayanti is conducted in a peaceful manner. The Court also directed that the areas where order under Section 144 of the Criminal Procedure Code had been promulgated no rally or procession should be conducted. The learned Advocate General had reported more than 160 applications have been received for the conduct of procession and also informed that a large number of police force has been

deployed in those vantage areas to maintain law and order. The Court considering the largeness of the issue and in order to avoid any breach of peace was of the definite view that the State Government should requisition the assistance of paramilitary force from the Central Government. In this regard the Court noted the observations made by the Division Bench in WPA (P) 258 of 2022 dated 15th June, 2022. Further, it was pointed out that the assistance of the paramilitary force will definitely help the State police in maintaining the law and order situation apart from assuring the general public that their safety and security will be taken care of. The State was granted liberty to take appropriate action under the provision of the West Bengal Maintenance of Public Order (Amendment) Act, 1972 as amended by West Bengal Maintenance of the Public Order (Amendment) Act, 2017 wherever it is necessary. The Court made it clear that the purpose of the order and directions to ensure the public are assured and reassured that there will be safe in their homes and they will not be affected by any riotous behaviour or arson. The Court also took note of the representation received by the Registry of the Court from the Additional District and Sessions Judge, Diamond Harbour, South 24 Parganas, wherein he has lamented about the safety and security of his family residing in Rishra and as to how in spite of the request made by him to the local police, they were reluctant and did not even respond. Therefore, we directed that in areas which are perceived to be sensitive the Judges of the District Judiciary should be in a position to freely discharge their judicial functions and if there is any request made by the District Judiciary for adequate police help or protection to enable them to function or protection for their family the same be

provided by the State without placing any fetters. The State was directed to take all steps with the assistance of the paramilitary force to prevent any untoward incident so that the public would be safe. Further, it was pointed out that in Rishra where rioting took place, stones were pelted from roof tops of the buildings. The Court took note of the submission and observation that had the intelligence-wing-of the police department be little more vigilant, such pre-planned attacks could have easily been avoided and therefore, directed the intelligence wing of the State Police to take all steps that are required to be taken to avoid any such pre-planned attacks or violence. Thereafter, the matter was heard on 10th April, 2023 and judgment was reserved.

4. During the course of hearing, the learned Advocates for the other two writ petitioners and the petitioner appearing in person were also heard apart from elaborate submissions made by the learned Advocate General, learned Additional Solicitor General, Learned Deputy Solicitor General were heard in full. Before considering to as to what relief the writ petitioners would be entitled to in these writ petitions, we need to examine as to how the law and order situation prevailed in the recent past whenever a religious celebration had taken place in the State. Our task has become easier on account of the various orders passed by the Hon'ble Division Bench on 8 earlier occasions.

5. On 29th March, 2023 an explosion occurred in the house of Hamizuddin Sardar in the area of Phulmalancha Gram Panchayat near Basanti in South 24 Parganas. The said explosion was the result of bombs being pelted in the house and in the explosion one person died. Public interest writ petitions

were filed in WPA (P) 187 of 2022 praying for transfer of the investigation to the National Investigation Agency (NIA). According to the writ petitioners the incident is a part of series of such incidents which had taken place in the recent past involving stone pelting, weaponry, arms, ammunitions, artillery and bombs which has caused great loss of life and public properties. In the affidavit 12 such incidents of bomb-blast occurred in the West Bengal were listed which are as follows:

Sl.	Date	Incident
1.	19 th April, 2021	Bomb Explosion outside BJP worker's home in Panihati, North 24 Parganas District.
2.	19 th April, 2021	Bomb blast at Banashpur village in the Mallarpur area of Birbhum at night.
3.	21 st April, 2021	The explosion took place near the house of Trinamool Congress (TMC) regional president Bakul Sheikh in Berugram panchayat area of Ketugram, Purba Bardhaman District. A bomb exploded in front of his house in Chinishpur that day. Raju Sheikh and Raja Sheikh were seriously injured in the blast.
4.	22 nd April, 2021	Man killed, another injured in bomb blast near Titagarh in North 24 Parganas. Several bomb explosions rocked the Megna jute mill area.
5.	29 th July, 2021	Two police personnel were injured in a crude bomb explosion in Jagatdal area of North 24 Parganas district in West Bengal.
6.	7 th September, 2021	Unknown miscreants hurled three crude bombs outside the house of BJP MP Arjun Singh in the North 24 Parganas district of West Bengal. Notably, when the bombs were hurled at night on Tuesday, security personnel were present outside the premises.

7.	1 st December, 2021	A blast in South 24 Parganas district's Nodakhali in Diamond Harbour area, where three people died in bomb explosion today.
8.	30 th December, 2021	Two children were injured in an explosion at a garbage vat in Salt Lake's Nayapatti area on Thursday morning, police said. The children were playing near the vat, kept aside a ground, when the low-intensity blast happened around 11.30 am, they said.
9.	19 th December, 2021	Kolkata Municipality Corporation elections: Bomb blast outside polling booth in Sealdah and Taki Boys School, three injured.
10.	3 rd January, 2022	A bomb exploded in the house of accused Kankan Karan, a resident of Paschim Bhangamari village. While accused Kankan Karan was seriously injured in the explosion, another person succumbed to his injuries. A case was filed at the Khejuri Police Station in East Medinipur on 4th January 2022 and the NIA took over the investigation on 25th January 2022.
11.	21 st January, 2022	At least four people have been injured in a parcel bomb blast in a pharmacy in West Bengal's Uttar Dinajpur District. The incident took place at Baharail in Hemtabad.
12.	22 nd February, 2022	An infant was killed, while three other children were seriously injured in a bomb blast out a house in the Kuitha Village of District Birbhum in West Bengal. On Tuesday afternoon, a mysterious sound of a blast was heard behind the house of a man named Monir Sheikh of Kuitha village, which comes under the Sadaipur police station in Birbhum.

6. Further the writ petitioners therein contended that the case registered on the basis of the incident on 29th march, 2022 is a scheduled offence under the National Investigation Agency Act, 2008 (NIA Act) and, therefore, it is required to be investigated by NIA. The report in the form of an affidavit filed by the said appellants was taken note of.

7. In WPA (P) 146 of 2022 the explosion which occurred on 30th March, 2022 was highlighted which was a result of a bomb blast in which a 9 year old girl was injured.

8. In WPA (P) 187 of 2022, a bomb blast which occurred on 24th April, 2022 was highlighted where 5 children mistook a crude bomb which was lying in the field and they started playing with it under the impression that it was a football when all of a sudden the bomb exploded leaving the children severely and critically injured. The State did not dispute that the offences which were committed are scheduled offences under the NIA Act but contended that in every scheduled offence under the NIA Act, it is not required to be investigated by the NIA and in this regard, referred to the preamble of the Act and it was submitted that only in four circumstances the scheduled offence can be referred for the investigation to NIA and those four circumstances are (i) offences affecting the sovereignty, security and integrity of India, (ii) offences affecting the security of State, (iii) offences affecting friendly relations with foreign States and (iv) offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations. It was further submitted on behalf of the State that the

objects and reasons of the Act is also required to be borne in mind. The Division Bench noted that the State has not disputed with the procedure as prescribed under Section 6(1) to (3) of the Act was not followed and the report as required by Section 6(1) was not forwarded. However, it was the submission on behalf of the State that if procedure is not followed, the Central Government should have exercised suo moto power under Section 6(5) of the Act and in support of his contention the learned Advocate General placed reliance on the decision of the High Court of Bombay in the case of *Pragyasingh Chandrapal Singh Thakur Versus State of Maharashtra*¹. The Division Bench after taking note of the several FIRs which are registered by the State Police pointed out that the offences are scheduled offences under the NIA Act, and those offences clearly fall within the definition of scheduled offence as defined in Section 2(1) (g) of the NIA Act and taking note of Section 6 of the NIA Act it was pointed out that on receipt of record, the information under Section 154 of Cr.P.C. concerning scheduled offence, it is mandatory for the Officer-in-Charge of the police Station to forward the report to the State Government forthwith. It was observed that the word "shall" used in Sub-section (1) of Section 6 caused such a mandatory duty. Further, it was pointed out that if a report as required by Section 6(1) is not forwarded then no action in terms of Sub-section (2) to (4) can be taken and hence, compliance of Section 6(1) is mandatory for the Officer-in-Charge of the Police Station. Thus, on registration of the case under any of the scheduled enactments under the NIA Act, the Officer-in-Charge of the concerned police station has no option

¹ 2013 SCC Online Bom. 1354

but to send the report to the State Government without any delay as the word "forthwith" finds place in Section 6(1) of the Act. Further, it was pointed out that in terms of Sub-section (2) it is incumbent upon the State Government to forward the report to the Central Government as expeditiously as possible. Therefore, it was held that no delay is permissible on the part of the State in sending the report to the Central Government and in terms of Sub-section (3) the Central Government is to determine within specified period of 15 days from the date of receipt of the report to improve situations firstly whether offence in question is scheduled and secondly considering the gravity of the offence and other relevant factors if the case is fit to be investigated by the NIA. If the Central Government opines that the offence is the scheduled offence and the case is fit to be investigated by the NIA then it was required to direct the NIA to investigate the offence. The Division Bench noted that the above view of the Division Bench is duly supported by the judgment of the Hon'ble Supreme Court in *Naser Bin Abu Bakr Yafai Versus State of Maharashtra*². Considering the facts of the case on hand, the Division Bench pointed out that though admittedly scheduled offence under the NIA Act has been registered, the Officer-in-Charge of the concerned police station has failed to fulfil the statutory mandate in terms of Section 6(1) of the Act. With regard to the decision of the High Court of Bombay in *Pragyasingh Chandrapal Singh Thakur* the Division Bench held that in the said decision, the constitutional validity of the provisions of the Act was upheld and the argument that Section 6 of the NIA Act confers absolute arbitrary unbridled and unguided powers was

² (2022) 6 SCC 308

rejected by clarifying merely because a scheduled offence is committed, the Central Government will not direct that it will be investigated by the Agency but it will have to apply its mind to the gravity of the offence and other relevant factors. Therefore, it was held that the said judgment will not be of any help to the State.

9. Noting that the investigation in two cases was still pending with the state investigating agency, it was observed that the concerned officer-in-charge of the police station must follow the provisions of Section 6(1) of the Act without any delay. In respect of other cases also, the court noted that though apparently the offences under the provisions of the Explosives Substances Act had been committed, there was no justifiable reason put forth by the state for not registering the offences under the provisions of the Explosives Substances Act. Ultimately the court directed the officer-in-charge of the concerned police station to register offences under the provisions of the Explosives Substances Act and on registration of the offences the provisions contained in Section 6 of the Act was directed to be followed and on receipt of the report, the State Government was directed to take action of forwarding the report in terms of the Section 6(2) within three days and the Central Government thereafter to take an appropriate decision as required and by Section 6(3) of the Act. The judgment to be delivered by the Division Bench dated 30.08.2022 in WPA (P) No. 187 of 2022 etc. has become final.

10. In WPA (P) No. 526 of 2022, a communal conflagration in the city of Kolkata prompted the writ petitioner to file a public interest litigation

alleging that the state police remain silent spectators when the communal violence erupted in Iqbalpur- Mominpur area on the eve of Lakshmi Puja and that no steps were taken to ensure protection of life and property of the members of the scheduled caste community who were severely affected by the riot. Further it was stated that the incident involved throwing of bombs in locality and requisites steps under the NIA Act have not been taken. Under such circumstances, prayer was made that Central Paramilitary Forces have to be deployed forthwith to maintain peace and investigation of the crimes be taken up by NIA. The Division Bench took note of the five FIRs which were registered which included the offences under the Explosives Substances Act and Arms Act and various directions were issued apart from the submissions made on behalf of the state stating that the officer-in-charge, Iqbalpur Police Station, had forwarded a report in terms of Sub section (1) of Section 6 of the NIA Act to the State Government and which in turn has already sent intimation to the Central Government in terms of Sub section (2) of Section 6 of the NIA Act. Subsequently, the said writ petition was heard along with WPA (P) No. 528 of 2022 and on 15.11.2022, the NIA was directed to inform about the progress of the case handed over to them.

11. In WPA (P) No. 564 of 2022, a public interest writ petition was filed with regard to an altercation which took place between the two groups of a political party on 15.11.2022 which had disrupted normal life. The learned Advocate General appearing on behalf of the state submitted that the state police has already submitted a report in terms of Section 6 (1) of the Act and the State Government will forward report to the Central Government in

terms of Sub section (2) of Section 6 of the NIA Act. Recording the said submission, the writ petition was disposed of.

12. In WPA (P) No. 4543 of 2022, the Single Bench passed an order on 01.12.2022 directing the charge sheet as well as copies of any evidence collected by Amta Police Station to be forwarded to the National Investigation Agency and the Secretary, Ministry of Home Affairs, Government of India directly within a period of seven days.

13. The case of the writ petitioner Sekh Sarabat Ali was that there was a deliberate attempt made by the local MLA Dr. Nirmal Majhi to sabotage the investigation and destroy the evidence. It was submitted that by the time the belated investigation by Amta Police started, one victim had come to Kolkata for treatment and has stated that he sustained injuries as a consequence of the explosion of gas cylinder when in fact he was a victim of bomb blast and the victim is none other than the son of the writ petitioner. These facts were also directed to be considered by the Central Government and NIA and a suitable decision was directed to be taken.

14. In WPA (P) No. 590 of 2022, a public interest was filed by one Anindya Sudar Das, prayer was made to direct investigation by NIA in respect of two different incidents of explosion of bombs, one at Keshpur Police Station, Paschim Medinipur and another at Minakhan Police Station, North 24 Parganas. In the blast, one person had lost his right hand one female child lost her life and that the bombs were stored at a residential house. The learned Advocate General appearing for the state submitted that the report has already been sent in terms of Section 6 (1) of the Act and the State

Government will report to the Central Government in terms of Section 6(2) recording the said submission, the writ petition was disposed of by order dated 29.11.2022.

15. In WPA (P) No. 620 of 2022, the writ petitioner filed a public interest litigation alleged that 1.5 quintals of explosives materials used for making bombs was recovered from Nanoor but no action in terms of provisions of the NIA Act had been taken. The court by order dated 20.12.2022 directed the state to file a report.

16. In WPA (P) No. 607 of 2022 public interest writ petition was filed raising the issue relating to two bomb blasts one of which occurred on 01.12.2022 within the jurisdiction of Panskura Police Station, where one civic volunteer had lost his life and the other within the jurisdiction of Bhupatinagar Police Station where three persons were stated to have been injured and subsequently lost their lives. The learned counsel for the petitioner in WPA (P) No. 607 of 2022, alleged that the second incident was in the residential house of booth president of state ruling party. Further it was stated that the place where incident occurred has not been fenced and no forensic expert has visited the place, and no proceedings in terms of the Section 6 of the NIA Act has been initiated. The State sought time to seek instructions which has been recorded in the order dated 12.12.2022. When the writ petition came up for hearing on 28.12.2022, the learned Advocate General informed that so far as the incident falling within the jurisdiction of Panskura Police Station, the state will follow the procedure prescribed under the NIA Act and the report in terms of Section 6(1) will be forwarded by the

officer-in-charge of the concerned police station of the State Government and thereafter the State Government will forward the report to the Central Government in terms of Section 6(2) of the NIA Act. Subsequently, when the writ petition was heard on 21.03.2023, the Learned Advocate General has reported that from the report submitted by CFSL shows that the explosives substances were used and therefore a report in terms of Section 6(1) of the Act will be submitted.

17. The above decisions have been referred to the highlight that the use of explosives substances, hurling of bombs during processions, rallies and religious ceremonies have been occurring and recurring regularly and in all such cases investigation has been transferred to NIA. In one of the cases where state police failed to register a case under the Explosives Substances Act, the court took note of the facts and pointed out that when an offence of a similar nature which was brought to light in WPA (P) No. 146 of 2022, the officer-in-charge of the concerned police station had registered offences under the provisions of the Explosives Substances Act, there was no justifiable reason put forth by the state for not registering the offence under the provisions of the Explosives Substances Act in the case involved in WPA (P) No. 187 of 2022 and therefore direction was issued to register offence under the provisions of the Explosives Substances Act.

18. In the report submitted on behalf of the Commissioner of Police, Chandannagar Police Commissionerate, mention has been made about the FIR registered with Serampore Police Station in Case No. 141 of 2023 dated

02.04.2023 where offences under the Arms Act have been registered. In the said report, it has been mentioned as follows:

Police requested them to stop their illegal activities and maintain peace and tranquility in the area. But they became more furious and started to assault police by using bamboo sticks and throwing bricks, stones and also started to damage one Government Vehicle bearing registration no.- WB23/H-779. Thereafter they set Government Vehicle bearing registration no. WB-23/A-0184 on fire and put on arson one local shop. As per order of superiors, force fired tear smoke, grenade, stungrenade, spade, paper cartridge, long and short range shell, rubber bullet etc. to disperse the mob but they became more furious and again started to assault police personnel with bamboo sticks, iron rod, stones/bricks, and displaying sword and fire arms with a view to kill the police personnel. Then the police team used mild force upon the unlawful mob to disperse them. During the time of dispersal, they stole some body protector equipment of police personnel. As a result so many police personnel received bleeding injury on their person. The police team somehow handled the situation by detaining the above noted accused persons from the spot to prevent the commission of further offences and damage to public and private property and to protect life of public and police. It is to be mentioned here that there was a news on various news portals that miscreants stopped the train services. In this regard, it is being noticed that violence erupted again on 3rd of April, 2023 evening at many places, including 4 No. railway gate. One vehicle of Eastern Frontier Rifle (EFR), Sdltua was stopped by the miscreants near the railway crossing and put on fire. The burning vehicle touched the automated drop gate which got stuck and led distress signal. Railway authorities reached the spot and converted the barrier into manual handling. So train services were suspended temporarily to mend the automated barrier. Shortly the vehicle was removed away. Train services resumed shortly. As informed by railway authorities there was absolutely no damage at railway station or of railway property.

Again on 03.04.2023 evening Sub Inspector Altaf Hossain of Rishra Police Station along with other officers and force under supervision of superior of Chandannagar Police Commissionerate were performing Area Domination Duty for boosting up the confidence of general public over the issue of Ram Nabami incident/clash vide Rishra PS GDE No. 89 dated 03.04.2023. While the police team reached at N.S. Road area, suddenly at 12:10 hrs. approx 300/400 local people of the area gathered and used filthy language desperately aiming upon the police personnel. Then they started pelting bricks/stones towards police personnel. As a result the situation deteriorated. Finding no other alternative to stop their movement, Sub Inspector Altaf Hossain Hazari informed the matter to Officer-in-Charge, Rishra Police Station and requested for re-enforcement of force to tackle the situation. Accordingly Officer-in-Charge, Rishra Police Station along with superiors of the Chandannagar Police Commissionerate and re-enforcement team reached there and declared the mob as unlawful assembly and commanded them to disperse from that place by hand held loud hailer. Police again requested them to stop their illegal activities and maintain peace and tranquility in the area. But they became more furious and started to assault police by using bamboo sticks and throwing bricks, stones. Thereafter they put on arson one local shop. As per order of superiors, force fired tear smoke-grenade, stun-grenade, spade, paper cartridge, long and short range shell, rubber bullet etc. to disperse the mob, but they became more furious and again displaying sword and fire arms with a view to kill the police personnel. Then the police team used mild force upon the unlawful mob to disperse them. During the time of dispersal, they stole some body protector equipment of police personnel. As a result, so many police personnel received bleeding injury on their person. The police team tactfully handled the situation by detaining the above noted accused persons from the spot to prevent the commission of further offences and damage to public and private property and to protect life of public and police.

19. Along with the said report of the Commissioner of Police, Chandannagar Police Commissionerate, dated 04.04.2023 several annexures have been filed and one of the annexures is a complaint given to the Rishra Police Station by one Mr. Nirmal Ghosh which finds place in page 18 of the said report wherein it has been stated as follows:

Ali MD. Shakir 28 Gandhi sarak post:- Rishra ps: serampore District:- Hooghly they themselves and accompanied with huge trinamul miscreants deliberately and pre-planned, without any provocation, attacked us and were ruthlessly throwing stones and several bombs were thrown by them upon the rally an our supporters, by throwing stone our M.L.A. of Pursura Bidhan Sava Mr. Biman Ghosh got blooded injury on the lower part of his Head and on the ear now he is admitted in the Hospital and Mr. Dilip Ghosh has also attacked and injured by Bombs and his Car has been destroyed by the miscreants, not only that our about 2000 supporters present in the rally have also been ruthlessly bitten by present miscreants, near Baro Masjid and Trinomul supporters and attacked by bombs for that they got heavily blooded injury (some treating by the nearest Hospital (necessary injury report, documents and video footages will submit latter on at the time of investigation)

20. Though the complaint of Biman Ghosh dated 03.04.2023 was taken on record (Page 18 of the Report of Commissioner of Police, Chandannagar), specifically, alleging that persons were attacked by hurling bombs, no investigation appears to have been done in that regard, and no steps taken to alter the FIR dated 02.04.2023 in Case No. 161/23 was reported. This, in our opinion is serious lapse.
21. In Paragraph 10 of the writ petition No. WPA (P) No. 151/23, there is a specific allegations that since, bombs were hurled, the provisions of the

Explosive Substance Act, 1908, will be attracted and hence, investigation has to be conducted by NIA. Though the learned Advocate General points out that in the Report submitted by Superintendent of Police, Islampur, this allegation is denied, the annexures to the report which we have taken note of above, belies the situation.

22. News report dated 2nd-April, 2023 (Annexure P2 in WPA (P) 156/23) quotes a statement of a Senior Officer that video-footage has established the identity of the armed vandals. The identity of the people who have been thrown petrol and acid has been given and Bengal CID is raiding different areas to trace them out.

23. In the interim report drawn by the relief hospital while recording a short history of the case and the injuries stated by the patient party, it has been stated that was passing besides a road at Rishra then gas bottles, stones, crude bombs were thrown from adjoining areas and the patient had sustained severe injuries. These documents which are appended to the reports submitted by Commissioner of Police Chandannagar, Police Commissionerate will clearly reveal that scheduled offences have been committed despite the same, the state police have not registered offences under the Explosives Substances Act. The seizure-list has been annexed along with the report along with the report from pages 12 to 16 along with the report. We find that under the column list of articles in the seizure list drawn one column has been left blank and all the four seizure reports have been prepared by the very same officer as the handwriting is identical. It is hard to believe that the very same person was able to draw five seizure

reports within a short span to time though it is stated by the learned Advocate General had areas where the seizure took place were in close proximity. In any event, we find the seizure report not reflecting the true state of affairs especially considering the nature of offences which have been registered in the various FIRs could not have been as a result of minimum number of weapons and glass bottles which have been seized. Therefore, there is a series of doubt on the very seizure report when there was a specific complaint made on 03.04.2023 that bombs were hurled and people were injured with heavy bleeding injuries. It is not clear as to why the police have not registered any offence under the provisions of the Explosives Substances Act. Thus, the question would be as to whether the state police have purposely failed to register any offence under any of the scheduled enactments fearing that the matter will have to be transferred to the central agency for investigation and further action. This would be a good reason for the court to transfer the investigation to a central agency. The reports have carried photographs of people with bleeding injuries. It is true that the court cannot come to a conclusion based on press reports, nevertheless the investigation has to proceed to ascertain the exact cause of such large-scale rioting. Further we note that in FIR No. 141, of 2023 dated 02.04.2023 offences have been registered under various provisions of the IPC, Arms Act, Public Property Destruction Act etc. but no offence has been registered under the Explosives Substances Act and the FIR relates to incidence which occurred in five different areas and identical offences have been registered which also cast a serious doubt on the manner in which the state police have investigated the matter. The IC Serampore Police in his report dated

04.04.2023 to the Inspector-in-Charge Serampore Police Station stated that the mob became furious and assaulted the police with bamboo sticks and throwing bricks on the police and also damaged one government vehicle and thereafter set fire to another vehicle and one local shop and based on orders of superiors tear gas, smoke grenade, stun grenade, spade, paper cartridges long and short range shell, rubber-bullet etc. were used to disperse the mob but they became more furious and again started to assault police personnel with bamboo sticks, iron rods, stones, bricks, swords, displaying fire arms with a view to kill police personnel and therefore police team used mild force upon the unlawful mob to disperse them and during the time of dispersal the mob stole some body protecting equipment of police personnel as a result of which several policemen received bleeding injuries on their person and head. In the other seizure lists which have been drawn on 03.04.2023 records seizure of swords. Thus, from the above facts it is evidently clear that despite the offences being committed under the Act mentioned in the schedule to the NIA Act, no case has been registered under the provisions of such Act. It raises a series doubt in our minds as to whether this was a deliberate attempt by the investigating police fighting shy of resorting to the procedure required to be complied with under Section 6(1) of the NIA Act.

24. In the preceding paragraphs, we have referred to the various orders passed by this court by the Division Bench of this Court from August 2022 and in all such cases, the offences under the Explosives Substances Act have been committed and in one such case they did not register an offence

under the said Act and the Division Bench rejected the stand taken by the state as being unbelievable and direction was issued to register a case under the Explosives Substances Act. Probably the state police having been directed by this Court in more than 8 orders to transfer the matter to the NIA, in the present incidents they have under played the true state of affairs which in our view should not be permitted. Considering the fact that there was a genuine apprehension in the mind of the public as brought on record by the writ petitioner in WPA No. 151 of 2023 apprehending serious violence during Hanuman Jayanti, the court had to direct central agency to be deployed which our direction was complied with and it appears that the Hanuman Jayanti festival passed off without any serious incidents. In the various orders passed by the Division Bench as referred to above where the direction have been issued to send a report in terms of the Section 6 (1) of the NIA Act, however in the cases on hand, we prima facie find that there has been a deliberate attempt on the part of the concerned police not to register any offence under the provisions of the Explosives Substances Act. There is also mention about the acid bottles and if be so, necessarily offence under the scheduled Act having been committed, the procedure under Section 6(1) of the NIA Act should have been resorted to. Therefore, we are convinced that no useful purpose would be served by directing the state police to register cases under the Explosives Substances Act or under any other scheduled act as the matter has travelled beyond the said stage and it is a fit case where the entire investigation should be transferred to the National Investigation Agency with a direction to the Central Government to exercise their power under Section 6(5) of the NIA Act.

By -

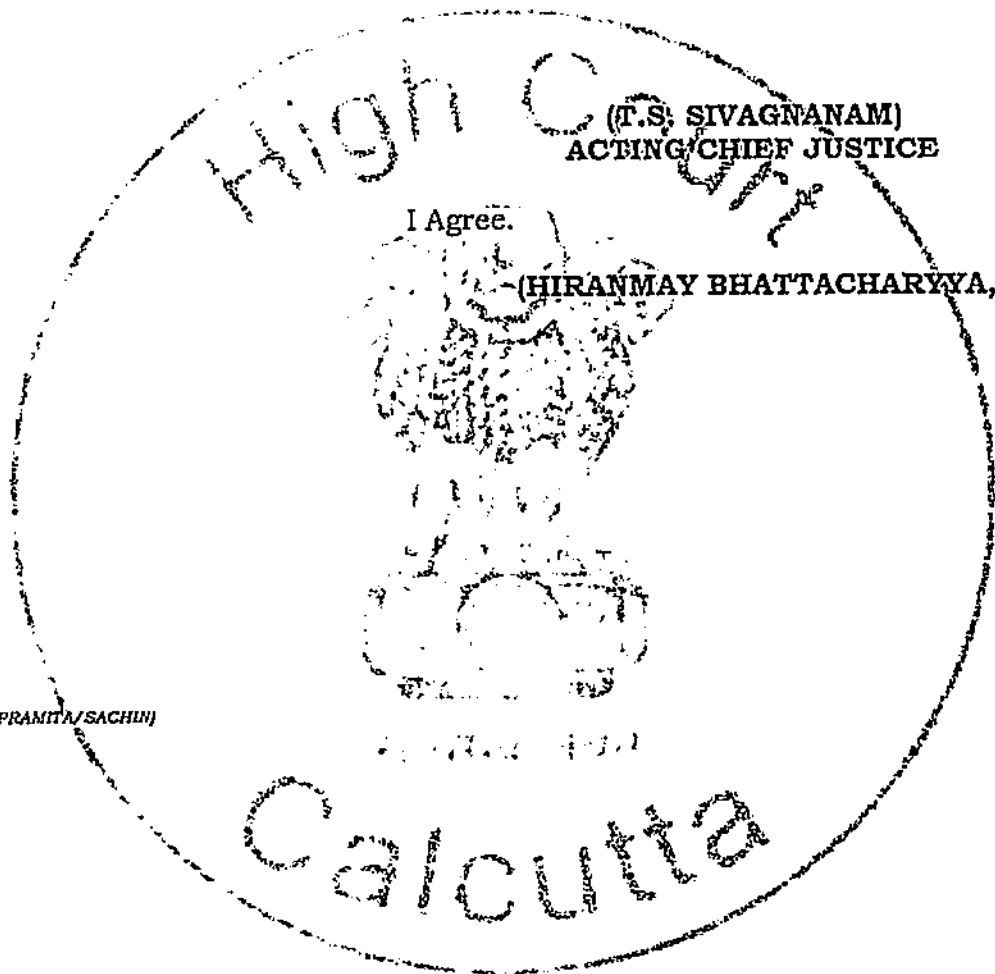
25. The Hon'ble Supreme Court has time and again dealt with the issue under what circumstances the investigation can be transferred from the State investigating agency to any other independent investigating agency like CBI. It has been held that the power of transferring such investigation must be in rare and exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies.

(Vide *K.V. Rajendran v. CB-CID* [*K.V. Rajendran v. CB-CID* (2013) 12 SCC 480, *Gudalure M.J. Cherian v. Union of India* [(1992) 1 SCC 397], *R.S. Sodhi v. State of U.P.* [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248 : AIR 1994 SC 38], *Punjab and Haryana High Court Bar Assn. v. State of Punjab* [(1994) 1 SCC 616 : 1994 SCC (Cri) 455 : AIR 1994 SC 1023], *Vineet Narain v. Union of India* [(1996) 2 SCC 199 : 1996 SCC (Cri) 264], *Union of India v. Sushil Kumar Modi* [(1996) 6 SCC 500 : AIR 1997 SC 314], *Disha v. State of Gujarat* [(2011) 13 SCC 337 : (2012) 2 SCC (Cri) 628 : AIR 2011 SC 3168], *Rajender Singh Pathania v. State (NCT of Delhi)* [(2011) 13 SCC 329 : (2012) 1 SCC (Cri) 873] and *State of Punjab v. Davinder Pal Singh Bhullar* [(2011) 14 SCC 770 : (2012) 4 SCC (Civ) 1034 : AIR 2012 SC 364].)

26. In the result, the writ petitions are disposed of by directing the concerned police to ensure that all the FIRs, documents, materials seized, CCTV footage etc. be immediately handed over to the appropriate authority

85-

of the National Investigator Agency who on receipt of all the entire materials shall commence investigation and proceed in accordance with law. The respondent police are directed to comply with the direction of handing over all the material to NIA within a period of two weeks from the date of receipt of the server copy of this order. No costs.



ANNEXURE - P/2

- 66 -

S/L: 1
12.10.2022
Court. No. 28
Sws.M/SA/
tbsr/ d.g.

WPA (P) 526 of 2022

Niladri Saha
Vs.
The State of West Bengal & Ors.

Ms. Susmita Saha Dutta
Mr. Debansu Das
Mr. Rajarshi Basu
Mr. Pradip Kr. Mondal

...for the Petitioner.

Mr. T.M. Siddiqui, Ld. AGP
Mr. Santanu Mitra
Mrs. P. Sengupta
Mr. S. Chakraborty

...for the State.

Mr. Billwadal Bhattacharya, ld. Dy. S.G.J
Mr. Debasish Tandon

...for the NIA

Mr. Rajendra Prasad Banerjee

..for the Union of India

A communal conflagration in the city of Kolkata has prompted the filing of the two petitions seeking various reliefs.

Petitioners allege State Police administration remained silent spectators when communal violence flared in Ekbalpore - Mominpur area on the eve of Laxmi Puja. No steps were taken to ensure protection of life and property of the members of the Scheduled Caste community who were severally affected by the

Annexure..... P/2
To in paragraph..... 14
Foregoing Petition affirmed
by T. Syah Tewari
In this 17th Day of 2024

Commissioner of Affidavit
High Court, Appellate Side.
Calcutta

riot. It is further alleged, adequate compensation has not been given to the victims of crime. Other restitutive measures have also not been taken. It is also contended though the incident involved throwing of bombs in the locality, requisite steps under the National Investigation Agency (NIA) Act, 2008 have not been taken.

Under such circumstances, it is prayed that Central Para Military Forces be forthwith deployed in the area to maintain peace and the investigation of the crimes be taken up by the National Investigating Agency.

Other prayers relating to providing compensation to victims, installation of CCTV Cameras in the area and preservation of CCTV footage of the incident have also been made.

Learned Counsels appearing for the petitioners argue there is gross apathy to conduct a fair and effective investigation into the acts of violence perpetrated upon members of the Scheduled Caste community. Inefficiency of the State Police is evident from the fact that the Police Station itself was attacked. Under similar circumstances, a Bench presided over by the Hon'ble Chief Justice had issued directions to the

- 68 -

State agencies to take assistance of Central Agency, if necessary, to restore peace and tranquility.

In response to the aforesaid submissions, a preliminary report is filed before us.

From the report it appears five criminal cases have been registered over the incident:-

1. Ekbalpore PS Case No. 479 dated 9.10.2022 u/s 153A/295A/506/120B, IPC read with Section 25/27 Arms Act,
2. Ekbalpore PS Case No. 480 dated 9.10.2022 u/s 147/148/149/152/353/427/307/34 IPC, 3 PDPP Act, 4/5/6 Explosive Substance Act, read with 25/27 Arms Act,
3. Ekbalpore PS Case No. 481 dated 10.10.2022 u/s 147/148/149/152/353/436/427/307/34 IPC, 3 PDPP Act, 4/5/6 Explosive Substance Act read with 25/27 Arms Act,
4. Ekbalpore PS Case No. 482 dated 10.10.2022 u/s 147/148/149/152/353/436/427/307/34 IPC, 3 PDPP Act, 4/5/6 Explosive Substance Act read with 25/27 Arms Act,
5. Ekbalpore PS Case No. 486 dated 11.10.2022 u/s 147/148/149/326 IPC.

Investigation of the cases is in progress, 42 persons have been arrested. 15 live bombs, 4 crude bombs and

other weapons have been seized. It is also noted in the report that the situation at present is peaceful. Police pickets have been set up in the area and Section 144 Cr.P.C. has also been promulgated in order to ward off any possibility of breach of peace and public tranquility. Report also discloses that investigation is being conducted by the local police authorities under the supervision of superior police officers. Steps are being taken to apprehend the miscreants who have been identified from the CCTV footages.

Perusal of the report shows three out of the five FIRs have been registered under the Explosive Substances Act.

In view of the aforesaid, this Court called upon the learned Counsel representing the State Government to clarify whether the State has complied with the requirements of Section 6 of the NIA Act, 2008 (hereinafter referred to as the Act of 2008). Section 6 of the Act, *inter alia*, casts a statutory duty upon the Officer-in-Charge of the Police Station where an FIR is registered in respect of any of the scheduled offences to forthwith forward a report to the State Government who in turn is required to forward a report to the Central Government as expeditiously as possible. Upon receipt of report, Central Government

may within 15 days thereof has to take a decision whether, keeping in mind the gravity of the offence and other relevant factors, it is a fit case to be investigated by NIA.

Mr. Siddiqui, learned counsel submits that the Officer-in-Charge, Ekbalpore Police Station had forwarded a report in terms of Sub-Section (1) of Section 6 of the Act of 2008 and the State Government, in its turn, has already sent intimation to the Central Government in terms of Sub-Section (2) of Section 6 of the NIA Act.

Report in that regard is kept on record.

In view of the aforesaid development, we are of the considered opinion, the issue whether the investigation of the cases involving Explosive Substances Act is to be taken over by NIA is to be considered by the Central Government in the first instance. Hence, we do not express any opinion in that regard at this stage.

With regard to the other prayers made by the writ petitioners, we note FIRs have been duly registered and investigation is in progress. However, as the offences giving rise to the aforesaid criminal cases relate to communal disharmony between communities and would require a sensitive approach

in the matter of investigation, we are of the considered opinion, the investigation of the cases be at present transferred to a superior investigating agency of the State Government.

Accordingly, we direct that the investigation of the cases be conducted by a special investigation team comprising of experienced police officers. The team shall be selected and headed by the Commissioner of Police, Kolkata.

Special Investigation Team shall conduct the investigation in an effective and efficient manner and take all necessary and prompt steps for preservation and analysis of electronic evidence including video footages of the incident. They shall take prompt measures for apprehension of the miscreants who are responsible for the commission of the offences.

In addition to the investigation of the cases, Commissioner of Police shall take necessary measures for prevention of similar offences and spread of communal hatred in the area.

This court takes note of the fact that police pickets have been stationed in the area. We direct that the police pickets be reinforced and lives and properties of the citizens be duly protected.

State Government shall ensure that communal harmony in the area is restored and all ameliorative measures are undertaken to instill feelings of harmony and fraternity amongst all sections of the society. Local communities shall cooperate with the government and the law enforcement agencies in that regard.

It is also necessary that the victims of crime are promptly and adequately compensated for the loss suffered. State shall take necessary steps in the matter.

If inhabitants of the locality have been displaced due to the communal disharmony, the government shall take immediate steps for their repatriation to the locality.

As the report submitted on behalf of the State records that the condition at present in the area is peaceful, we choose not to pass any order with regard to deployment of central forces for maintenance of peace and tranquility at present.

Comprehensive report shall be filed by the Commissioner of Police with regard to the following:-

- i) Progress in the investigation of the cases;

- ii) Law and order situation in the area and measures taken to prevent similar offences;
- iii) Steps taken to protect life and property of the victims.

State Government shall submit report disclosing the following: -

- i) Steps taken for compensation and/or rehabilitation of the victims of crime;
- ii) Measures to restore communal peace and tranquility in the area.

Reports shall be filed on the adjourned date.

The matter shall appear before the regular Bench two weeks after the vacation (i.e., on 14.11.2022).

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

SUVENDU ADHIKARI
LEADER OF THE OPPOSITION
LEGISLATIVE ASSEMBLY
WEST BENGAL
KOLKATA



ANNEXURE = P/3 - 74

Office : Ph. : 2248-2233 [direct]
2253-3113/2263-3115
Fax : 033-2248 9469
Mail Id : adhikarisuvenduwb1@gmail.com
Whats App (Only) : 9733064695

006/LO/SU/2023

Date: 16 January 2024

To
His Excellency,
The Governor of West Bengal,
Raj Bhawan, Kolkata – 700062

Subject : Prayer for immediate intervention for the protection of law and order situation in the State of West Bengal on 22nd January, 2024.

Your Excellency,

I am writing this letter with great pain and fear in my heart about the lives of the ordinary citizens in the State of West Bengal which may get adversely affected on 22nd January, 2024 due to the egotistic nature of the Chief Minister of West Bengal. The Chief Minister of West Bengal in an official press conference held on 16th January, 2024 at Nabanna has announced that the ruling dispensation of the State which is the Trinamool Congress being a regional political party will be organizing Sampriti rallies on 22nd January, 2024.

At this juncture it is pertinent to mention that 22nd January, 2024 is the revered day on which after a wait for over 550 years the auspicious Ram Janmabhumi Temple will be opened upon performance of the Prana Pratistha ceremony as scheduled on such date.

It is apposite to mention that not only the entire Nation but the world at large is eagerly waiting for such mega global event signifying the ageless triumph of Sanatan Dharma. After years of waiting the Ram Janamabhumi Mandir will finally be opened and the deity of Maryada Purshottam Sri Ram will finally be consecrated at the grand temple.

At the juncture when the nation and world is eagerly awaiting for the mega Hindu event and when the jubilant population throughout the nation including West Bengal is planning for daylong celebrations and processions throughout the length and breadth of India singing the glory of Sri Ram, the Chief Minister of West Bengal in a calculated manner has openly taken a stand to create religious disturbance in West Bengal by

Annexure P/3
To in paragraph 15
Foregoing Petition affirmed
by T. J. H. Tewari
in this 15th Day of Jan 24
Commissioner of Affidavit

(Contd....P/2)

announcing a Sampriti Rally on the self same date ie. 22nd January, 2024. The same is yet another tactics of the ruling dispensation of the State to divide the people and not allow celebration to happened in a smooth manner.

At this juncture it is germane to state that at various places in the State and the entire country, Sri Ram pujas shall be organized on 22nd January, 2024.

Organizing a Sampriti rally by the ruling dispensation is a direct attempt to create communal tension and a law and order situation in the State thereby putting lives of the general populace of the State in peril. Needless to state that West Bengal has witnessed several communal tensions during the Ram Navami, 2023 and NIA probe has been directed by the Hon'ble Constitutional Courts considering seriousness of the issue. That apart communal riots are commonplace in the State and the same happens whenever the Hindus are celebrating any ceremony like Laxmi Puja, Hanuman Jayanti or Ram Navami. In fact in 2023 the Hon'ble High Court at Calcutta upon a holistic appreciation of the serious state of affairs was pleased to direct deployment of Central Paramilitary Forces in West Bengal during the Hanuman Jayanti.

From the actions of the Chief Minister of West Bengal it is evident that a deliberate attempt is being made by the ruling dispensation in the State to create an atmosphere of tension and instigate a communal violence and rioting on the holy date when the grand Ram Janamabhumi Temple will be consecrated in Ayodhya. Such is evident from the fact that the Chief Minister has announced during the Press Conference today that at first she will visit a Kali Temple and then commence her so called rally from Hazra Road crossing along with people from all religions and will be visiting religious places of other religions and then finally assemble at Park Circus Maidan where a meeting will be organized. She has further instructed all the districts to conduct such Sampriti Rally in all the blocks in the State on the eventful date. It is manifest therefrom that the object of the TMC Supremo is to somehow or the other deliberately lure people to create enmity between classes resulting into outbreak of riots.

It is also to be noted that the Chief Minister of West Bengal being the Supremo of Trinamool Congress regional party has planned the said Sampriti Rally with a single point agenda to create communal tension in such a manner that the Hindus of the State are not allowed to celebrate this momentous occasion.

(Contd....P/3)

Under such facts and circumstances as enumerated hereinabove, Your Excellency being the custodian of the Constitution in the State is earnestly requested to immediately intervene and direct the Chief Secretary, West Bengal, the DG and IGP, West Bengal and the Commissioners of all Police Commissionerates in the State not to permit any such Sampriti Rally in any part of West Bengal as is being attempted by the Trinamool Congress on the 22nd of January, 2024 and also to defer it at any subsequent date. Your Excellency is also earnestly requested to requisition and deploy adequate Central Paramilitary Forces from the Central Government throughout the State in view of the fact that there is a vile design already orchestrated by the ruling party in the State to create severe communal tensions in the State on 22.01.2024.

As the Leader of Opposition in the 17th West Bengal Legislative Assembly it is my bounden duty to ensure that the lives of ordinary citizens in the State are not imperiled owing to the vile design of the ruling party in the State.

I am concluding with the hope and trust that Your Excellency will take all possible measures to prevent the severe communal tensions and lawlessness as is being planned by the ruling dispensation in the State on 22.01.2024.

With highest regards,

Yours sincerely,



(Suvendu Adhikari)

Suvendu Adhikari, MLA
Leader of the Opposition
W. B. Legislative Assembly

Copy to:-

Hon'ble Chief Secretary
Govt. of West Bengal

Hon'ble Home Secretary
Govt. of West Bengal

DG & IGP of West Bengal Police

Hon'ble Commissioner
Kolkata Police Commissionerate

- For info and necessary action please

1/16/24, 9:07 PM

Gmail - Prayer for immediate intervention for the protection of law and order situation in the State of West Bengal on 22nd January... 77 -



Suvendu Adhikari <adhikarisuvenduwb1@gmail.com>

Prayer for immediate intervention for the protection of law and order situation in the State of West Bengal on 22nd January, 2024.

1 message

Suvendu Adhikari <adhikarisuvenduwb1@gmail.com>


Tue, Jan 16, 2024 at 9:07 PM

To: Governor of West Bengal <governor-wb@nic.in>, secy-gov-wb@nic.in

Your Excellency,

Please see the attached file.

With regards,

 Letter to Hon'ble Governor as on 16 Jan 2024.pdf
260K

1/10/24, 9:16 PM

Gmail - Prayer for immediate intervention for the protection of law and order situation in the State of West Bengal on 22nd January... - 78 -



Suvendu Adhikari <adhikarisuvenduwb1@gmail.com>

Prayer for immediate intervention for the protection of law and order situation in the State of West Bengal on 22nd January, 2024.

1 message

Suvendu Adhikari <adhikarisuvenduwb1@gmail.com>


Tue, Jan 16, 2024 at 9:15 PM

To: cs-westbengal@nic.in, acs.hha-wb@gov.in, polcewb@gmail.com, policewb@yahoo.com, cp@kolkatapolice.gov.in

Hon'ble Officer(s)

Please see the attached file....\

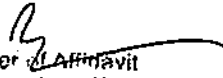
With thanks,

 Letter to Hon'ble Governor as on 16 Jan 24 (Copy to).pdf
262K

ADVISORY FOR THE PETITIONER/APPLICANT

- Henceforth, applications for all kind of procession/rally/meeting etc. shall only be accepted in the following format;
- Such application format can be downloaded from the official website of Kolkata Police at [https:// kolkatapolice.gov.in](https://kolkatapolice.gov.in).
- Application shall only be taken into consideration, if applied in between 02 to 03 weeks (neither before nor after) prior to the schedule programme.
- The application can also be submitted physically in Kolkata Police Head Quarters at 18, Park Street, Kolkata-700001 on any working days during working hours on the above mentioned time frame.

Annexure..... 2-4
To in paragraph..... 23
Foregoing Petition affirmed
by T. Joti Tewari
in this 17/11 Day of Jan 24


Commissioner of Affidavit
High Court, Appellate Side.
Calcutta

5. Use of loudspeaker in open air or use of any kind of vehicular horn in "the vicinity of "SILENCE ZONE" area like hospitals, nursing homes, courts, universities, colleges and schools is strictly prohibited.
6. No fireworks should be discharged during the programme;
7. The participants in such Rally/Procession/Meeting shall not carry any lathis, spears, firearms, swords or other articles that can be used as a weapon;
8. Speeches capable of inciting violence, provocative speeches and abusive language will not be permitted;
9. No obstruction is to be created to free flow of Traffic, free access to any thoroughfare or building, Ambulance, Fire Brigade or persons entitled thereto;
10. The participants in such Rally/Procession/Meeting shall act in a manner to ensure that there is no damage to public property, assault on any Government Servant or any other transgression of law;
11. The participants in such Rally/Procession/Meeting shall act in a manner to ensure that no inconvenience whatsoever shall be caused to the public at large;
12. The participants should adhere to the existing Health Advisory issued by the State Govt. ;
13. All Rally/Procession/Meeting car/tableau etc., if any, should obey traffic signal and should not violate 'One-Way' direction. The speed should be reasonable to avert any chance of accident;
14. The Organizer should deploy sufficient number of volunteers to render necessary assistance to the police personnel on duty;
15. The participants in such Rally/Procession/Meeting shall not do anything that will cause environmental pollution. Directives of the Hon'ble High Court, Calcutta, National Green Tribunal and West Bengal Pollution Control Board should strictly be adhered to in this regard;
16. Prior N.O.Cs should be obtained from other utility services and land owners;
17. The land that may be disturbed should be restored and the filth/left overs that may accumulate on the occasion should be removed at your own cost immediately after the event is over;
18. No temporary gallery should be installed for sitting accommodation of the participants;
19. Arrangements for adequate drinking water should be made;
20. The ground and its adjoining area, if any, should be kept clean by all means. No leftover food materials/ disposable tea cups/ coconut shells/ food packets and other like uses articles should be left behind. No banned items of plastic should be used;
21. The greeneries and the trees should not be damaged;
22. No car should be parked at NO PARKING ZONE;
23. All other existing rules in vogue should strictly be adhered to;
24. The organiser shall not do any bike rally/procession.
25. The organiser shall not allow any children to participate in their proposed programme except those event which is children oriented.
26. The organiser shall ensure that there will be no DJ in their rally/procession.
27. The participants shall abide by the directive/order of the Kolkata Police as & when asked for in order to combat law & order or other commitment;
28. Kolkata Police authorities, reserve the right to withdraw this ,if situation so require;

5. Use of loudspeaker in open air or use of any kind of vehicular horn in "the vicinity of "SILENCE ZONE" area like hospitals, nursing homes, courts, universities, colleges and schools is strictly prohibited.
6. No fireworks should be discharged during the programme;
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26. The organiser shall ensure that there will be no DJ in their rally/procession.
27. The participants shall abide by the directive/order of the Kolkata Police as & when asked for in order to combat law & order or other commitment;
28. Kolkata Police authorities, reserve the right to withdraw this ,if situation so require;

Leave is granted by the Hon'ble H. TANUJA, J
& the Hon'ble M. Prasad, J to file this
petition. Matter to appear on 18.1.24

17/1/24
S.D. 18/1/24

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
PUBLIC INTEREST LITIGATION
APPELLATE SIDE

WPA (P) No. 26 of 2024

In the matter of:
An application under Article 226 of the
Constitution of India;

And

In the matter of:
Suvendu Adhikari & Anr.

...Petitioners

-Versus-

The State Of West Bengal & ORS.

... Respondents

Handwritten signature
17/01/24
S.D. 18/01/24

APPELLATE SIDE
Writ Petition
Date: 17/01/2024
Advocate: Suryaneel Das
Enrolment No: 5775449538

WRIT PETITION

SURYANEEL DAS
Advocate
High Court, Calcutta
33K Manoharpukur Road,
Kolkata- 700 029
Mob : 8902268134
Email : suryaneeld@gmail.com
Enrolment No.F/5477/710/2018