

June 13, 2022
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Court No.1
gd/ssd/s.biswas

WPA (P) 258 of 2022

Niladri Saha

vs.

The State of West Bengal and others

With

WPA (P) 256 of 2022

Devdutta Maji @ Devdutta Majhi

vs.

The State of West Bengal and others

With

WPA (P) 259 of 2022

Masum Ali Sardar

vs.

The State of West Bengal and others

With

WPA (P) 260 of 2022

Paramita Dey

vs.

The State of West Bengal and others

Ms. Susmita Saha Dutta, Advocate

... for the petitioner
in WPA (P) 258 of 2022

Mr. Surajit Nath Mitra, Senior Advocate
Mr. Kallol Mondal,
Mr. Nilanjan Bhattacharjee,
Mr. Aryak Dutta,
Mr. Partha Ghosh,
Mr. Ajay Chaubey,
Mr. Anup Dasgupta,
Mr. Ajit Misra,
Mr. Vikash Singh,
Mr. Anindya Sundar Das,
Mr. Sunny Nandy, Advocates

... for the petitioner
in WPA (P) 256 of 2022

Mr. Sardar Amjad Ali, Senior Advocate
Ms. Jhuma Sen, Advocate

... for the petitioner
in WPA (P) 259 of 2022

Mr. Dipayan Kundu, Advocate

... for the petitioner
in WPA (P) 260 of 2022

Mr. S. N. Mookherjee, Id. Advocate General
Mr. Anirban Ray, Id. Government Pleader

Mr. Amitesh Banerjee, Senior Standing Counsel
 Mr. Raja Saha,
 Mr. Debasish Ghosh,
 Mr. Nilotpal Chatterjee,
 Mr. Debraj Sahu, Advocates
 ... for the State

Mr. Dhiraj Kumar Tribedi, Assistant Solicitor General
 Mr. Tarunjyoti Tewari, Advocate
 ... for the Union of India

Mr. Billwadal Bhattacharyya, Assistant Solicitor General
 Mr. Debasish Tendon, Advocate
 ... for the NIA
 in WPA (P) 258 of 2022

Mr. Billwadal Bhattacharyya, Assistant Solicitor General
 Mr. Bhaskar Prasad Banerjee,
 Mr. Debasish Tendon,
 Ms. Shalini Ghosh, Advocates
 ... for the NIA
 in WPA (P) 256 of 2022

In WPA(P) 258 of 2022 the plea raised by the petitioner is that since 9th June, 2022 some unruly persons have destroyed public property in the name of protesting against unwanted comment of one person. These protesting persons have created terror by burning tyres, the National Highway No.6 was blocked, buses were burnt and passengers were attacked. It is also alleged that the unruly mob is pelting stones, bricks and are carrying swords, lathis, knives. The allegation is that the police is standing as mute spectator and that the BJP party offices had been burnt. A supplementary affidavit has been filed giving instances of the damage caused by the unruly mob on 10.06.2022 as under:

“5. That 10(ten) local residents of Panchla, District : Howrah had given a request letter to my Learned Senior requesting her to bring to the kind notice of this Hon’ble

Court, the damage caused by the unruly mob on 10.06.2022.

- a) BJP party office, Raghudebpur area office has been ransacked.
- b) Shop of Pradip Hazra has been ransacked.
- c) The kitchen and bike of Madhusudhan Ganguly was set ablaze.
- d) The four wheeler of Abhijeet Halder has been ransacked.
- e) The four wheeler of Dinesh Das has been damaged.
- f) The four wheeler of Tarun Halder has been damaged.
- g) The hotel of Abhijeet Barik has been damaged.
- h) The hotel of Nema Roy has been ransacked.
- i) The tea stall of Ritesh Pramanik has been ransacked.
- j) The tea stall of Rabin Pramanik has been ransacked.
- k) The restaurant of Sukanta Halder has been ransacked.
- l) The tea stall of Chitya Pradhan has been ransacked.
- m) The hotel of Bipul Ganguly has been ransacked.
- n) The shop of Himangshu Pradhan has been ransacked.
- o) The restaurant of Gopal Saha has been ransacked.
- p) The hotel of Sufal Ganguly has been ransacked.
- q) The Sandhukha Bastralaya has been ransacked.
- r) The restaurant of Sujit Ganguly has been ransacked.
- s) The pan shop of Shyama Bazar has been ransacked.

- t) The house of Gurupada Das has been ransacked.
- u) The Kathakali Stores (garment shop) has been ransacked.
- v) The plumbing parts shop of Nilkanta Ganguly has been ransacked.
- w) Seven bikes at Biswakarma Garage have been set ablaze.
- x) The auto of Rakhal Ganguly has been ransacked.
- y) The bikes of Dhustu Sarkar has been set ablaze.
- z) The bike of Tarun Sen has been set ablaze.
- aa) The bike of Souvik Chatterjee has been set ablaze.
- bb) The house of Saurav Ganguly has been ransacked.
- cc) The pan shop of Ashok Pramanik has been ransacked.
- dd) Moumita Lottery shop has been ransacked.
- ee) The china light shop of Mangal Patra has been ransacked.
- ff) The vegetable shop of Jadav Barik has been ransacked.
- gg) The tea shop of Gautam Das has been ransacked.
- hh) Netaji Sangha club and ambulance have been ransacked and things stolen.
- ii) Two shops of Raju Sarkar have been ransacked.
- jj) Two shops of Rahul Sarkar have been ransacked.
- kk) The tea shop of Atanu Oja has been ransacked.
- ll) The bike of Srivas Oja has been set ablaze.”

In the writ petition the prayer is to deploy military or Central Para Military Forces in the State to control the

lawlessness and to direct the National Investigation Agency to investigate.

In WPA(P) 256 of 2022 also similar incidents have been highlighted and the prayer has been made to recognise each and every person responsible for road blocking of National Highway at Howrah Ankurhati area on 9th June, 2022 and to register FIR against the persons responsible and also to charge them with heavy penalty for causing destruction of the public property and take stern action against them to ensure that no such incident takes place in future. Further prayer is for investigation by NIA.

In WPA (P) 260 of 2022 also, similar issue has been raised.

The supplementary affidavit has been filed giving further details with a prayer to stop the religious procession and gatherings.

Learned counsel for the petitioners has submitted that the National Highway No.6 was blocked for several hours and there was complete failure of the State Police and police was not responding to the situation. It is also alleged that there was complete failure of State Intelligence and that suspension of internet does not prevent such activity. In the aforesaid background, it is also submitted that the State is not in a position to control the situation, therefore, Central Force would be deployed.

Learned Advocate General has submitted that the incident took place because of the unfortunate remarks made by two persons and that similar protests are going on in other States like Uttar Pradesh, Delhi, Rajasthan, Madhya Pradesh, Telengana, Jharkhand etc. and that sudden protest took place, therefore, State Authorities were taken by surprise but they have registered 26 FIRs as on 10th June, 2022 and have arrested 240 persons and prohibitory orders have been passed and internet services were/have been suspended in District Howrah and Beldanga, Rejinagar, Saktipur in Murshidabad District. He has also submitted that in last 36 hours no untoward incident took place except the incident of Lalgola Express.

In WPA (P) 259 of 2022, a contrary stand has been taken and the prayer in the petition is to initiate proceedings against the respondent Nos.8 & 9 and submission of learned counsel for the petitioner is that the peaceful procession should be allowed. The petition has also questioned the order dated 10th July, 2022 passed under Section 144 of the Cr.P.C.

At this stage learned Advocate General sought adjournment to file the report in the form of affidavit indicating the current situation in the State as also the steps taken by the State authorities to control the situation.

In the meanwhile we express hope that the State authorities will take all possible steps to ensure that no

untoward incident takes place and peace is maintained. In case, the State Police is unable to control the situation at any place then State authorities will take immediate steps to call the central forces. Concerned State authorities will also collect the video footage of the incident so that the miscreants can be identified and appropriate action can be taken against them. Learned Advocate General will also make the stand of State clear on the issue of grant of compensation to those who have suffered loss of property in the untoward incidents.

List on 15th June, 2022 along with another fresh filed matter being WPA (P) 261 of 2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]