

1 10.5.2021

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WPA(P) 143 of 2021
(Through Video Conference)

Anindya Sundar Das
Vs.
Union of India & Ors.

M/s. Bikash Ranjan Bhattacharyya,
Pronay Basak,
Debapriya Samanta and
Santanu Maji, Advocates (Through VC)
..for the Petitioner.

Mr. Kishore Dutta, Advocate General with
M/s Abhratosh Majumdar and
Sayan Sinha, Advocates (Through VC)
..for the State.

Mr. Y. J. Dastoor,
Additional Solicitor General with
Mr. Arijit Majumdar, Advocate (Through VC)
..for the Union of India.

M/s Dipayan Choudhury with
Suvrodal Choudhury Advocates (Through VC)
..for the Respondent No.2.

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The report in the form of an affidavit of the
Additional Chief Secretary, Home and Hill Affairs
Department, Government of West Bengal has been filed
by the State.

Learned counsel for the petitioner as well as the
learned Additional Solicitor General of India and also
the counsel appearing for the Election Commission of
India submitted that they have not been served with the
copy of the affidavit. Hence, they are not able to
respond to the same.

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To this argument, Mr. Kishore Dutta, learned Advocate General submitted that he had raised a preliminary objection regarding maintainability of the writ petition filed by the petitioner in public interest, which does not contain any details. However, he did not dispute the fact that the Court can always take up any matter in public interest.

The issue regarding maintainability of the writ petition filed by the petitioner shall be decided later on.

However, considering the importance of the issues raised in the petition where life and liberty of the people in the State of West Bengal is in danger on account of post-poll violence, we direct that the copies of the affidavit be furnished to the counsel of the petitioner, learned Additional Solicitor General of India and the counsel appearing for the Election Commission of India. In case, they want to file any supplementary affidavit, the same may be filed upto May 13, 2021 after serving advance copies in the office of the Advocate General and also the Government Pleader.

Mr. Dastoor, learned Additional Solicitor General of India submitted that the issue regarding post-poll violence was highlighted not by one political party, rather by all of them across part lines, who had contested elections, the factum of which has not even been denied in the affidavit filed by the State. He

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further submitted that in number of cases the complaints were not registered by the police stations concerned when approached. Mr. Dastoor had further raised an issue that there is no online mechanism available in the State of West Bengal where a complainant can file a complaint to the police. Number of complaints have been received in the office of National Human Rights Commission, West Bengal Human Rights Commission and also the National Commission for Women and also National Commission for Scheduled Castes and Scheduled Tribes raising issues regarding post-poll violence in the State.

In case any such complaints have been received by the aforesaid Commissions with reference to the violence during poll or post-poll, the same may be forwarded to the Director General of Police, West Bengal on his official e-mail ID so as to enable him to transfer the same to the concerned police stations for appropriate action.

Mr. Kishore Dutta, learned Advocate General submitted that the allegations made by the counsel that the complaints filed to the police were not entertained, is false. He cannot respond to this allegation, as there were no details available. He further submitted that as per the information furnished in the affidavit, from May 9, 2021 onward there is no violence reported in the

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State. He assured the court that all possible steps shall be taken by the State so that there is no violence in future as well.

He further submitted that he would seek instructions from the Government regarding availability of online mechanism for filing of complaints by any aggrieved person.

Mr. Dutta sought time to file further affidavit in detail.

Necessary steps be taken upto May 17, 2021.

Adjourned to May 18, 2021.

To be taken up at 2 P.M.

[Rajesh Bindal, C.J.(A)]

[I.P. Mukerji, J.]

[Harish Tandon, J.]

[Soumen Sen, J.]

[Subrata Talukdar, J.]

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