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2024
Ct. No. 08
Ab

WPA (P) 477 of 2024
Sanjukta Samanta
Vs.
Union of India and others.

With

WPA (P) 478 of 2024
Koustav Bagchi
Vs.
Union of India and others.

Ms. Sanjukta Samanta
...the petitioner (in-person)
In WPA (P) 477 of 2024
Mr. Koustav Bagchi
... the petitioner (in-person)
In WPA (P) 478 of 2024

Mr. Asok Kumar Chakrabarti, Ld. ASG
Mr. Kumar Jyoti Tewari
Mr. Praloy Bhattacharya
... for the Union of India

Mr. Kishore Datta, Ld. AG,
Mr. Anirban Roy, Ld. GP
Mr. Md. Tale Masud Siddique
Ms. Sumita Shaw
... for the State

1. The aforesaid writ petitions in the nature of Public Interest Litigations are taken out by two different persons appearing in-person alleging that communal violence erupted in Beldanga area within the district of Murshidabad.
2. The alleged incident between the two rival religious communities erupted on the eve of Kartick Puja, where several persons were injured, the houses were set ablaze and the hate messages through social media as well as by way of display through neon sign board spreading profanity amongst the section of the society. Several posts uploaded on the social media have corroborated such incident; some of which are annexed with the instant petitions.

3. The media reports also indicated the version of the Police Administration and the steps taken by deploying the police forces along with senior officials belonging to the Indian Police Services. Several persons are reported to have been forced to leave their respective residential houses, some of which have been destroyed by setting fire thereupon spreading the sense of insecurity amongst the inhabitants of the locality. The reports further reveal that certain persons have been taken into custody to which the petitioners have a different version.
4. According to the petitioners, the action of the police authorities was lopsided and the real culprits have been spared, which has percolated a sense in the mind of a particular religious community that their safety and security are at stake.
5. The petitioner-in-person, who filed WPA (P) 478 of 2024 submits that the report should be called from the State Police Administration on the steps taken on the said unfortunate incident and the deployment of the Central Forces to ensure the fair and transparent attempt to protect the interest of a particular religious community.
6. However, in course of hearing, it is submitted that the safety and security of the inhabitants of the locality are of paramount consideration and the petitioners, have in effect, prayed for appropriate measures to be taken, which would ensure the said seminal object.
7. Learned Additional Solicitor General submits that there is no dissent so far as the submission of the report by the State Police Administration is concerned and volunteers to submit the report, if directed by this Court to bring the true and correct pictures including the steps taken by the police administration in this regard.

8. However, the learned Advocate General vociferously submits that immediately on happening of such unprecedented event, large number of police personnel have been deployed and there is no reporting of any incident as of now.
9. Learned Additional Solicitor General submits that though it is a constitutional obligation of the Centre to provide security by deploying police personnel and in the event the Court directs such deployment, the order will be implemented.
10. Taking into account the totality of the events narrated in the aforementioned Public Interest Litigation, it is manifest that the incident erupted on the eve of the Kartick Puja, which resulted into injury suffered by several persons. The State claims to have deployed a large number of police personnel; whether any appropriate steps have been taken, shall be decided after the report is filed by the appropriate authority of State Police disclosing the adequate measures that have been taken in this regard.
11. The writ petitioner of WPA (P) 478 of 2024, himself submits that for the time being, the prayer for deployment of the Central Forces may not be required provided the police administration ensures the safety and security of the inmates of the locality and take the responsibility of any future untoward incident having nexus to the incident as reported above.
12. The safety and security of the citizenry of the State is a primary duty of the State administration and such conduct should not only be impartial and fair but seem to be so without any discrimination nor should permeate any sense of such discrimination. The sense of insecurity or the perception of threat to their life at their residence cannot be accepted and

it is the duty of the police administration to ensure eradication of such sense amongst the people of the locality. Several persons are reported to have been missing or left the house with the sense of threat to their life, and, therefore, the police administration should ensure that they are brought to their respective homes by providing adequate safety measures and also deploying the adequate personnel at the locality for their safety and security.

- 13.** Mr. Koustav Bagchi, the petitioner-in-person submits that they have collected certain names who are either missing or have left their respective homes because of inadequate measures taken by the police administration on their safety and security. He is directed to disclose the names of those persons to the learned Advocate General, who shall ensure that such persons are reinstated in their respective homes and adequate police personnel should be deployed thereat for their safety and security. In addition to the same, any person, who is displaced and/or forced to leave his/her residential home on the eve of such untoward incident or unable to return to his/her home on a sense of fear to his/her life, may report to the Superintendent of Police, Murshidabad or to Mr. Bagchi or Ms. Samanta through email of the aforesaid respective persons given below:

Mr. Koustav Bagchi – koustav.cp@gmail.com

Ms. Sanjukta Samanta – adv.sanjuktasamanta@gmail.com

Superintendent of Police, Murshidabad – spmurshidabad@gmail.com

- 14.** The Superintendent of Police or the other high officials shall take immediate steps to restore such

persons and shall also provide adequate security.

- 15.** Apart from the same, any other names collected or disclosed by the respective writ petitioners to the learned Advocate General, adequate measures in that regard shall be taken by the police administration. The police administration is also directed to take adequate measures to avoid recurrence of any such events, which would disturb the very fabric of the constitutional ethos, more particularly, Secular appearing in the Preamble to the Constitution of India.
- 16.** The learned Advocate General is directed to submit the report through the responsible high ranking official on the eruption of such untoward incident, adequate measures taken, securing the safety and security of the inhabitants of the district of Murshidabad, more particularly in Beldanga area, measures taken to combat such incident and the names of the persons who have been apprehended in connection with the aforesaid incident by tomorrow.
- 17.** The State administration is also directed to provide all medical assistance to the injured in the respective hospitals where they have been admitted and shall continue to provide such assistance till they recover.
- 18.** In course of the hearing, a video clipping of a person whose photographs are also annexed with one of the petitions being WPA (P) 477 of 2024 are placed before us. The audio-video clippings were also shown to the Court but the identity of the person could not be divulged by the appearing Counsels.
- 19.** The State administration is directed to find out the identity of such person and appropriate steps to be taken against him which would be disclosed in the report to be filed tomorrow. Mr. Bagchi is directed to

share the audio-video clippings shown to the Court to the learned Advocate General within 5.00 p.m. today.

- 20.** According to the learned Advocate General, the police personnel are keeping vigilance of the locality and the regular march is undertaken for the safety and security to build the confidence of the inmates of the said locality. The State administration is directed to continue such march until the peace in the locality is restored.
- 21.** All the reliefs, including the deployment of the Central Forces shall be considered after the report is filed by the police administration.
- 22.** Let the matter be listed tomorrow before the Regular Bench.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)

