

**2911
2024**

FRIDAY

Court : 08
Item : DL-02-03
Matter : PIL
Status : OP
Bench ID : 265726
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(ASSIGNED)**

WPA (P) 477 OF 2024

(SANJUKTA SAMANTA Vs. UNION OF INDIA & ORS.)

&

WPA (P) 478 OF 2024

(KAUSTAV BAGCHI Vs. UNION OF INDIA & ORS.)

**MS. SANJUKTA SAMANTA, Petitioner-in-Person
MR. ARKADEB NAG, ADVOCATE**

.....for the Petitioner (in WPA (P) 477 of 2024)

**MR. BILLWADAL BHATTACHARYYA, SR. ADVOCATE
MR. TARUNJYOTI TEWARI, ADVOCATE
MR. DIPANKAR BHAHTA, ADVOCATE
MS. KAUSIKI BOSE, ADVOCATE**

.....for the Petitioner (in WPA (P) 478 of 2024)

**MR. KISHORE DATTA, LD. ADVOCATE GENERAL
MR. SWAPAN BANERJEE, ADVOCATE
MR. SUMITA SHAW, ADVOCATE
MR. SOUMEN CHATTERJEE, ADVOCATE**

.....for the State

**MR. ASOK KUMAR CHAKARABARTI, LD. ASG
MR. KUMAR JYOTI TEWARI, SR. ADVOCATE
MR. PROLOY BHATTACHARYA, ADVOCATE**

.....for the UOI

1. The supplementary affidavit is filed by the petitioner in WPA (P) 477 of 2024 disclosing several incriminating materials and also the religious structures having been vandalized and/or set on fire including the message containing the expression of the words, which may spread the violence further.
2. According to the petitioner, there have been constant attempts on the part of a particular community people to flare-up the violence and, in fact, still the violence is continuing. The said supplementary affidavit also contained the transcription of the video which according to the petitioner is uploaded on the URL given therein

inciting the people so that the communal violence may recur or the disruption in the normal life may be ensured.

3. The State submits the report indicating the steps having taken with regard to the violence erupted on 16.11.2024 and subsequently. According to the State not only the internet facilities in the area is restored but the situation is also under control.
4. The Central has also submitted the preliminary report forwarded to the Advocate-on-record, indicating that not only on 16.11.2024 but the said violence further erupted on 21.11.2024, where a member of the particular community has not only vandalized the houses of the other community but also attacked the Police Outpost. However, three sections of the Border Security Force have been patrolling the area since 20.11.2024 and the situation is being closely monitored.
5. Both the reports are taken on record which would reveal that the steps are being taken to restore the peace and to avoid recurrence of any communal violence. However, the supplementary affidavit reveals that despite the stand taken by the State, still the religious structures as well as the houses belonging to the particular community are being destroyed and/or vandalized which is disputed by the State.
6. Be that as it may, we further noticed that the names of the persons, which the petitioner gave on the last occasion, who were alleged displaced from their residences, out of which 12 have been found remain in their respective houses and two have been found in their relatives house.

7. In order to find out whether there has been any vandalism of religious structures, the names have been disclosed in the supplementary affidavit.
8. We, therefore, direct the District Magistrate of Murshidabad and the Deputy Inspector General of Border Security Force, State Headquarter, Berhampur, Roshanbagh, Murshidabad, to jointly visit the places as mentioned in the supplementary affidavit or any other places, if they so feel, and submit a report on the next date of listing.
9. Let the matter be listed on Monday i.e. **02.12.2024.**
10. Though the learned Advocate General submits that the State may be given an opportunity to respond to the said allegations made in the supplementary affidavit but we feel that in order to find the real state of affairs, it would be proper that the report should be filed by the persons indicated here-in-above, as the Public Interest Litigation are never construed as an adversarial litigation.

(HARISH TANDON, J.)

(HIRANMAY BHATTACHARYYA, J)

