

S/L-204  
23.12.2019  
Ct-1  
(AD & BD)

W.P.23510(W) of 2019

*Sri Surajit Saha*  
*vs.*

*The State of West Bengal & Ors.*  
*with*

W.P.23573(W) of 2019

*Soumen Sarkar*  
*vs.*

*Union of India & Ors.*  
*with*

W.P.23557 (W) of 2019

*Kuntal Majumder*  
*vs.*

*Union of India & Ors.*  
*with*

W.P.23463(W) of 2019

*Suman Bhattacharjee*  
*vs.*

*Union of India & Ors.*

*with*

AST 61 of 2019

*Anirban Mukherjee*  
*vs.*

*State of West Bengal & Ors.*  
*with*

AST 62 of 2019

*Ramaprasad Sarkar*  
*vs.*

*Union of India & Ors.*  
*with*

W.P.23781(W) of 2019

*Sri Surajit Saha*  
*vs.*

*Mamata Banerjee, The Hon'ble Chief Minister, West Bengal*  
*& Ors.*

*Mr. Smarajit Roy Chowdhury*  
*Mr. Ajit Mishra*  
*Mr. Uttam Basak*

*... for the petitioner in*

*WP 23510 (W) of 2019 & W.P. 23781(W) of 2019.*

*Mr. Nilanjan Bhattacharjee*  
*Mr. Ravi Ranjan Kumar*  
*Mr. Nikunj Berlia*

*... for the petitioner in*

*W.P. 23573(W) of 2019.*

*Ms. Priyanka S. Tibrewal*  
*Mr. Ajit Mishra*  
*Mr. Uttam Basak*

... for the petitioner in  
AST 61 of 2019.

Mr. Ashok Kumar Chakraborty  
Mr. Vipul Kundalia

... for the UOI.

Mr. Kishore Datta, Ld. A.G.  
Mr. Abhratosh Mazumdar. Ld. A.A.G.  
Mr. Avra Mazumdar  
Mr. Arun Kumar Nag

... for the State.

Mr. Ajay Chaubey  
Ms. Moumita Das

... for the respondent no.4 in  
W.P. 23510 (W) of 2019 and  
Respondent/South-Eastern  
Railway in AST 61 of 2019.

Mr. Partha Ghosh

... for the Railway in AST 61 of 2019.

Mr. Ramaprasad Sarkar

... petitioner in person in AST 62 of 2019.

Supplementary affidavit filed in connection with  
W.P.23781(W) of 2019 be kept with the record.

Read the common order minuted on 20<sup>th</sup> December,  
2019.

Today, the learned Advocate General submitted in  
answer to two of the queries raised by us on the previous  
day that all restrictions imposed on internet have been  
lifted through out the entire State of West Bengal and that  
the publication of a particular material by the State which  
is annexure "P-2" to W.P. 23573 (W) of 2019 has been  
withdrawn from circulation and is no more in circulation.  
We leave open the legal issue as to whether the State or the  
Government could issue such publications at State expense  
or using the government machinery for consideration in  
due course.

Recording the submission, we hereby direct that the  
said publication be removed from all Government portals

and facebook sites of government institutions and departments for the time being.

The Eastern Railway and South-Eastern Railway will be at liberty to place reports in the form of affidavits placing on record the actual details of loss caused to railway property and other damages incurred. The railways will also place on record that the measures were taken to prevent loss of railway property and to ensure free movement of trains and safety of passengers and goods. Such report will also contain clear statement as to the action taken and the action to be taken for recovery of loss caused for such damages to the railway property.

Let the State as well as the Union of India place detailed response to all issues through reports in the form of affidavits before the next date of hearing.

Post the matter on 9<sup>th</sup> January, 2020 at 12.30 P.M.

**( Thottathil B. Radhakrishnan, C.J. )**

**( Arijit Banerjee, J. )**