

WPA(P) 296 of 2022  
Nazia Elahi Khan  
Vs.  
The State of West Bengal and Others  
(Through Video Conference)

Mr. Tanmay Basu,  
Mr. Arun Shaw,  
Mr. Ranajoy Chatterjee, Advocates  
... for the petitioner

Mr. S.N. Mookherjee, Id. Advocate General  
Mr. Amitesh Banerjee, Id. Sr. Standing Counsel  
Ms. Ipsita Banerjee, Advocate  
... for the State of West Bengal

By this petition the petitioner has raised a grievance against the alleged declaration of Jihad by the respondent No.3 on the Martyr's Day on 21<sup>st</sup> of July, 2022.

Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that the main prayer of the petitioner was to provide safety and security through police protection to the party workers and leaders of the ruling party in the Centre till 21<sup>st</sup> of July, 2022. The said date has passed, therefore, the prayer does not survive.

That apart, it is also noticed that a petition of similar nature being WPA(P) 326 of 2022 was filed before this Court which was disposed of by the order dated 20<sup>th</sup> of July, 2022, by holding as under:

“During the course of argument, it has not

been disputed that a rally of large gathering is going to be organized tomorrow on 21<sup>st</sup> of July, 2022 on the occasion of the Martyrs Day (Shahid Divas). The utterance made by the respondent No. 12 about the Jihad against a particular political party have not been disputed. In this view of the matter, the only concern of this Court at this stage is about the maintenance of peace and law and order during the gathering and the rally which is going to be held on 21<sup>st</sup> of July, 2022 and its aftereffects. This Court is not required to go into the political rivalry between the two political parties.

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In the public interest, this Court is entertaining this petition for the limited purpose to ensure that peace and law and order is maintained during the forthcoming gathering and rally tomorrow in which lacs of people are expected to gather.

At the earlier occasion, when after some unruly persons had destroyed public property in the name of protest against the unwanted comment against one person, this Court by the order dated 13<sup>th</sup> of June, 2022 passed in WPA(P) 258 of 2022 in the case of Niladri Saha vs. The State of West Bengal and Others considering the issue of large gathering and disturbance of peace had issued following directions:

“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.”

The above directions were further modified by this Court by order dated 15<sup>th</sup> of June, 2022. Hence, we express hope that with the object to prevent any untoward incident and to maintain peace and law and order, the State authorities will duly take into account and comply with the above directions in the present case also.

The petition is accordingly disposed of.”

Hence, the issue involved in the present case has already been considered by this Court in the aforesaid order. Hence, nothing further is required in the present case which is accordingly disposed of.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**