

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

03.06.2024
S/L Item No.9
gd/ssd

WPA/15212/2024
PRIYANKA TIBREWAL
VS
STATE OF WEST BENGAL AND ORS.

Ms. Priyanka Tibrewal
..Petitioner (In Person).

Mr. Swapan Banerjee,
Ms. Sonal Sinha,
Ms. Shabnam Farooqui,
Ms. Subhasri Chatterjee
..for the State.

The petitioner is a practicing advocate of this Court. She appears in person and refers to the order dated 7th March, 2024 passed by the Hon'ble PIL Bench in WPA 4011 of 2024 with No. CAN 1 of 2024 and CAN 2 of 2024 The Court's in its Own Motion Vs. State of West Bengal & Ors. with WPA(P) 78 of 2024 Sanjukta Samanta Vs. Union of India & ors. With WPA(P) 93 of 2024 Priyanka Tibrewal Vs. State of West Bengal & ors. with WPA(P) 104 of 2024 Alakh Alok Srivastava Vs. State of West Bengal & ors. wherein the Hon'ble Court in WPA(P) 93 of 2024 granted leave to the petitioner to file application/supplementary affidavit bringing on record whatever the alleged victims wish to place before the Court.

The Court directed that the version of the victims should be properly authenticated and the identity of the victims also should be established.

The petitioner submits that she received several complaints from the victims of the Sandeshkhali area involving acts of violence of intimidation by the police and the local politicians.

A complaint highlighting the above illegalities was lodged by the petitioner before the Director General and the Inspector General of Police, West Bengal and also before the Central Bureau of Investigation on 16th May, 2024. There has been no response to the complaint lodged.

It has been submitted that she is getting regular complaints from the victims that the police is creating atrocities in the Sandeshkhali area and immediate protection is to be provided to the victims of the said area.

It has been submitted that the police has enforced Section 144 Cr.P.C. to prohibit the use of microphone and/or loudspeaker unless duly authorized and also prohibited assembly of five or more persons at the areas mentioned in the order under Section 144 under the jurisdiction of the Nazat Police Station with immediate effect from 6.00 hours on 2nd June, 2024 till 6.00 hours on 4th June, 2024.

Tomorrow i.e. 4th June, 2024 is the date for counting of votes of the Parliament General Election,

2024. The petitioner apprehends that immediately after declaration of the result of the subject constituency, violence may be inflicted upon the victims. The petitioner prays for a direction upon the police to permit her to visit the area.

The prayer of the petitioner is opposed by the learned advocate representing the State respondents. Attention of the Court has been drawn to the prayer made in the writ petition wherein the petitioner has prayed for a direction upon the police to permit the petitioner along with other members to enter the Sandeshkhali area.

In response to the aforesaid submission, the petitioner has submitted that, as of now, the petitioner prays for a direction for her movement in and around the Sandeshkhali area. The petitioner does not press for the movement of others along with her.

It appears from the submission made on behalf of the parties that the Hon'ble PIL Bench had already granted liberty to the petitioner to file affidavit/application bringing on record the version of the victims of the Sandeshkhali area. To act in terms of the order passed by the Hon'ble Division Bench, the petitioner may be required to visit the Sandeshkhali area more particularly because of the reason that she is receiving regular complaints from

the victims as regards acts of violence and intimidation by the police and the local politicians.

The result of the election is due to be declared tomorrow i.e. 4th June, 2024. The victims apprehend that further violence may be inflicted upon them. The order under Section 144 Cr.P.C. that has been enforced is only till 6.00 hours on 4th June, 2024. The petitioner intends to visit the area after 6.00 hours on 4th June, 2024.

The petitioner submits that she intends to visit the area on the morning of 5th June, 2024.

The petitioner shall be permitted to visit the area in question on 5th June, 2024. The Superintendent of Police, Basirhat is directed to ensure that no harm is caused to the life of the petitioner when she visits the Sandeshkhali area.

In the event the prohibitive order dated 2nd June, 2024 is extended, the same shall not stand in the way of the petitioner to visit the said area in terms of the order passed hereinabove.

The writ petition stands disposed of.

Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(AMRITA SINHA, J.)