

23.04.2025
SI No.1
Court No.8
(ar/gc)

WPA 8694 of 2025

**Suvendu Adhikari & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Moyukh Mukherjee,
Mr. Anish Kumar Mukherjee,
Mr. Pritam Roy,
Ms. Sagnika Banerjee,
Ms. Megha Datta,
Mr. Tamoghna Pramanick
... For the Petitioners.

Mr. Kishore Datta, Ld. Advocate General,
Mr. Swapan Banerjee,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee
... For the State.

1. Mr. Billwadal Bhattacharyya, learned Senior Counsel appearing on behalf of the petitioners submits that the petitioner no.1 is the Leader of the Opposition and the petitioner no.2 is an elected representative of Bharatiya Janata Party from Murshidabad. This writ petition has been filed for a direction upon the authority concerned to immediately allow the writ petitioners along with two other persons with security personnel to visit Dhuliyan, Suti and Samsherganj at Murshidabad and also ensure that no untoward incident takes place during such visit. He also submits that having regard to the fact that leaders of other political parties were allowed to visit the affected

areas and to interact with the victims the petitioners cannot be prevented from visiting the aforesaid places. In this regard he has referred to the annexures to the writ petition as well as the supplementary affidavit filed in Court today.

2. Learned Advocate General submits that this petition is frivolous and is required to be dismissed *in limine* with exemplary costs. Disputing the status of the petitioner no.1 in the Assembly, it is submitted that even if it is accepted that the petitioner no.1 is the Leader of the Opposition, the petitioner no.1 does not enjoy any immunity and does not require any blessings of the Court for his visit. There was no requirement to file such application for seeking permission of the Court.
3. It appears from the writ petition that few emails have been disclosed to show that necessary communication was made to the SP, Jangipur Police District, Murshidabad regarding the visit of the petitioner no.1 along with two MLAs to the aforesaid places to meet the victims and the SP, Jangipur was requested to fix the date and time on an emergent basis and a confirmation from the said authorities. It is alleged that no confirmatory mail has been received from the SP, Jangipur.
4. It further appears from the emails dated 12th April, 2025, 13th April, 2025 and 14th April, 2025 that on

behalf of the petitioner no.1 communications have been made with the SP, Jangipur with regard to his proposed visit along with three MLAs to the aforesaid three places to meet the victims.

5. There is no specific averment in the writ petition that the Leader of the Opposition was prevented from entering the areas. However, it appears that the writ petitioner no.1 wanted a confirmation from the SP concerned with regard to the proposed date and time of his visit so that no untoward incident could take place during such visit. The State Administration has so far not responded to any of the emails. The reason for not responding to such emails could not be explained. The writ petitioner no.1 as a Leader of the Opposition desires to visit the said places and to interact with the victims. It appears from the record that leaders of other political parties have visited the affected areas.
6. On such consideration, we are of the view that it would be open for the petitioners to visit the said places along with Shri Subrata (Kanchan) Moitra, MLA upon prior intimation to the jurisdictional SPs, which shall be at least 24 hours prior to the visit. It would be for the Administration to take necessary steps in this regard. It is expected that jurisdictional SPs shall ensure that no breach of peace takes place during such visit and if required

additional forces may be deployed to prevent any untoward incident. The petitioner nos.1, 2 and Subrata (Kanchan) Moitra may interact with the victims at the aforesaid three places, however, they shall not take out any procession or hold any rally or make any public speech that are likely to cause breach of peace during their interaction with the victims. This is necessary for the purpose of preservation of peace and tranquillity.

7. Since no affidavit-in-opposition is called for, all allegations are deemed to have been denied.
8. With the aforesaid observation, the writ petition is disposed of.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Raja Basu Chowdhury, J.)