

05 16.06.2025
rkd Ct.18

W.P.A. 12966 of 2025

Suvendu Adhikari & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Tarunjyoti Tewari,
Mr. Moyukh Mukherjee,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Ms. Megha Dutta,
Mr. Chiranjit Pal,
Mr. Tamoghna Pramanick,
Mr. Anish Gupta

....for the petitioners.

Mr. Kalyan Bandopadhyay,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Ratul Kumar Singh

....for the respondent nos.2 to 5.

Mr. Dhiraj Kumar Trivedi,
Ms. Sarda Sha,

....for the respondent no.7.

Mr. Kishore Datta,
Mr. Swapan Banerjee,
Ms. Sumita Shaw,
Mr. Diptendu Nasrayan Banerjee,
Mr. Soumen Chatterjee

....for the State.

Affidavit-of-service filed on behalf of the
petitioners is taken on taken on record.

Matter is heard at length in presence of the
learned advocates representing the petitioners, Mr.
Kishore Datta, learned Advocate General representing
the State respondents, Mr. Kalyan Bandopadhyay,
learned senior advocate representing respondent nos.2

to 5 and learned advocates for respondent no.7.

On perusal of the writ petition and the case made out it appears that Leader of Opposition, West Bengal Legislative Assembly along with another Member of Legislative Assembly have approached this Court with the present writ petition, *inter alia*, praying for a direction upon the concerned police authorities to ensure safety and security of the petitioners while petitioners will visit Maheshtala under Rabindranagar Police Station in order to interact with local persons after an incident which took place on 11th June, 2025.

An application on behalf of the petitioners was made to the Superintendent of Police, Diamond Harbour Police District on 11th June, 2025 as it appears from page 46 of the writ petition requesting the police authorities to make arrangement which would permit the petitioners to visit Maheshtala.

In response to such application, a letter was issued by the Superintendent of Police, Diamond Harbour Police District on 12th June, 2025 whereby request of the petitioners to permit them to visit Maheshtala area was turned down on the plea that an order was passed by the appropriate authority under Section 163 of Bharatiya Nagarik Suraksha Sanhita (for short "BNSS").

On behalf of the petitioners, it is submitted by

Mr. Bhattacharyya, learned senior advocate that on similar situation previously coordinate Benches and Hon'ble Division Benches passed orders permitting the petitioners to visit particular locale with certain restrictions.

It is also submitted that petitioners are ready to go there less than five in number and comply with the conditions as contained in the order passed under Section 163 BNSS which is dated 13th June, 2025 by Sub-Divisional Magistrate, Alipore (Sadar), South 24 Parganas.

Though writ petition does not accompany this order dated 13th June, 2025 passed by the Sub-Divisional Magistrate under Section 163 BNSS but during course of submission Mr. Datta, learned Advocate General and Mr. Bandyopadhyay, learned senior advocate representing some of the respondents have placed the said order before this Court for consideration.

It is submitted by Mr. Bandyopadhyay, learned senior advocate representing respondent nos.2 to 5 that no mandamus is required to be issued on this writ petition if order passed under Section 163 BNSS does not hinder right of the petitioner to visit the locale. Therefore, petitioner is at liberty to go there but no police protection needs to be ensured by this Court by

passing an order on this writ petition.

It is also submitted by Learned Advocate General representing the State respondents that in Section 163 BNSS provisions are there to take steps against order passed by the appropriate authority dated 13th June, 2025 and petitioners are at leave to take such steps as provided under Section 163 BNSS. Therefore, no writ petition is required to be instituted praying for direction upon the concerned police authorities in order to permit the petitioners to visit the locale.

Having considered the respective submissions made on behalf of the parties and perusing the order under Section 163 BNSS dated 13th June, 2025 it appears that prohibitory order is existing upto 16th June, 2025.

In addition thereto, if Court proceeds on the premise that this prohibitory order is still in force in that event there are certain conditions incorporated in the order dated 13th June, 2025 and this Court does not find impediment in permitting the petitioners to visit the locale in compliance with the conditions as contained in the said order dated 13th June, 2025.

It needs to be recorded herein that in similar situation Hon'ble Division Bench passed an order on 23rd April, 2025 on a writ petition being WPA 8694 of

2025 giving certain directions. This Court draws inspiration from the said order dated 23rd April, 2025 while passing order in consideration of the present writ petition.

Having taken into consideration the restrictions clamped in the order dated 13th June, 2025 passed under Section 163 BNSS Court permits both the petitioners to visit Mahestala and interact with local persons within three days from date with prior intimation to the Superintendent of Police, Diamond Harbour Police District being respondent no.3 and Officer-in-Charge, Rabindranagar Police Station being respondent no.4.

Such intimation is required to be submitted before the respondent nos.3 & 4 twenty four hours prior to visiting the place by the petitioners.

Petitioners shall follow the conditions as contained under Section 163 BNSS. Both the petitioners are granted leave to interact with the local persons at Maheshtala.

However, petitioners shall not make any public speech that is likely to cause breach of peace during their interaction with the local persons.

In addition thereto, petitioners shall not organize any procession at the said locale during their visit.

Concerned police authorities are directed to take necessary steps so that no untoward incident takes place during visit of the petitioners and deploy adequate number of police personnel to maintain peace at area.

The legal points argued on behalf of the respective parties are not required to be decided in this writ petition since Court is directing the petitioners to visit the place in compliance with conditions as contained in order dated 13th June, 2025.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

The writ petition stands disposed of.

Copy of the order dated 13th June, 2025 passed under Section 163 BNSS is made over to the learned advocate representing the petitioners.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)