

02.12.2025
rc/ct.no.05
Item No.07

WPA No. 20948 of 2025
XXXX
Versus
The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Ms. Labani Sikdar
Mr. Souvik Dey ..for the Petitioner

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Deyfor the State

Ms. Amee Rana (through VC)
Mr. Suddhartha Deyfor the respondent no. 9

Heard learned counsels for the parties.

The prayer of the petitioner is two fold:-

First, removal of all the contents posted and published by the 6th and 7th respondents against the petitioner in social media platforms and second, to render sufficient security and protection to the petitioner so that she is able to attend her college regularly. Learned counsel draws the attention of the Court to an amendment of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 which records as follows :-

“2. In the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, in rule 3, in sub-rule (1), for

clause (d), the following clause shall be substituted, namely:-

“(d) an intermediary, on whose computer resource the information which is used to commit an unlawful act which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India: security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force is hosted, displayed, published, transmitted or stored shall, upon receiving the actual knowledge under clause (b) of sub-section (3) of section 79 of the Act on such information, remove or disable access to such information within thirty-six hours of the receipt of such actual knowledge, and such actual knowledge shall arise only in the following manner, namely:-

(i) by an order of a court of competent jurisdiction;

or

(ii) a reasoned intimation, in writing

(I) issued by an officer authorized for the purpose of issuing such intimation by the Appropriate Government or its agency, being not below the rank of Joint Secretary or an officer equivalent in rank or where an officer at such rank is not

appointed, a Director or an officer equivalent in rank, to the Government of India or to the State Government, as the case may be, and, where so authorized, acting through a single corresponding officer in its authorized agency, where such agency is so appointed.””

Learned counsel for the State submits that such application has been filed before the jurisdictional Magistrate, i.e., the learned Additional Chief Judicial Magistrate, Chandannagore. By an order passed on October 27, 2025, the learned Magistrate has expressed his inability to deal with the application due to pendency of the present writ petition.

Learned counsel for the 9th respondent submits that necessary order be passed for deletion of the relevant posts in the social media.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that since an application has been filed before the Court of competent jurisdiction, being the learned Additional Chief Judicial Magistrate, Chandannagore, the learned Magistrate is directed to deal with the application and dispose of the same within seven days from the date of communication of this order.

The police authority shall render adequate security and protection to the petitioner in order to avoid any

untoward incident as and when approached by the petitioner.

With the above observations and directions this writ petition is disposed of.

There shall, however, be no order as to costs.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)