

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9185 of 2024

Bikash Giri & Ors.
-versus
The State of West Bengal & Ors.

Mr. Aninda Bhattacharya
... For the petitioners

Mr. Supriya Majumder
... For the State

1. The petitioners are claiming benefit under the Surrender-cum-Rehabilitation Scheme for the Naxalites/Maoists published by the Home Department of the Government of West Bengal on 5th December, 2013. A representation from the petitioners dated 11th January, 2024 seeking such benefit is alleged to be kept pending.

2. Learned advocate representing the State respondents submits, upon instruction, that the Scheme relying on which the petitioners seek rehabilitation is only applicable to the Naxalites/Maoists who surrender with or without arms. The petitioners have not surrendered before the police either with or without arms. The petitioners are planning to create fear and terror in the minds of the common people by pasting posters at various places in the name of CPI (Maoists).

3. As it appears that there is no proof of surrender of the petitioners before the appropriate authority, accordingly, the prayer of the petitioners for rehabilitation cannot be accepted. Only if the petitioners are able to comply with the stipulations mentioned in the notification dated 5th December, 2013, then prayer of the petitioners may be taken up for consideration.

4. The petitioners are strictly restrained from creating any fear or terror in and around the places where they are staying.

5. If any illegal activity on the part of the petitioners is detected, then prompt necessary steps shall be taken by the competent authority in accordance with law.

6. The writ petition stands dismissed.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)