

WPA (P) 299 of 2026

(Md. Danish Farooqui Vs. The State of West Bengal & Ors.)

Mr. Kalyan Bandopadhyay, Ld. Sr. Adv.
Mr. Anit Das
Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh
... for the Petitioner

Mr. Rajdeep Mazumdar, Ld. A.A.G.
Mr. Ajit Kumar Mishra, Ld. A.G.P.
Mr. Madhu Jana
Mr. Gopal Krishna Sarkar
Mr. Mayukh Mukherjee
.... For the State

Affidavit-of-service, as filed, be kept on record.

The present Public Interest Litigation (in short, PIL) has been preferred primarily *inter alia* praying for issuance of necessary direction upon the State respondents ‘to prevent any person and/or persons to throw eggs at any AITC Workers and/or leaders as well as on general public at large’ and ‘to lodge suo moto complaints against persons who are indulging in throwing eggs and/or other dangerous as well as nuisance creating objects’ and ‘to immediately prevent all atrocities’ and ‘not to handcuff, tie rope at the waist or make the persons in custody parade the area in half pant and slippers in order to humiliate them and reduce their life to sub-human condition’.

Mr. Bandopadhyay, learned senior advocate appearing for the petitioner submits that the instant Public Interest Litigation (in short, PIL) has been preferred seeking intervention of the Court in cases of targeted public violence, mob lynching, defamatory media and public trials against individuals associated with a particular political party. Let the supplementary affidavits, as filed, be kept on record.

Elaborating such submission and drawing our attention to the specific averments made in several paragraphs including paragraph nos.13, 16, 21 and 22, Mr. Bandopadhyay submits that in spite of lodging several complaints pertaining to the incidents as detailed in the writ petition, no steps have been taken by the State authorities though it is their obligation to give all protection to the persons accused and to prevent the atrocious incidents of mob lynching and assault upon pregnant ladies and that too in presence of the responsible political leaders. In support of his arguments, Mr. Bandopadhyay has placed reliance upon the judgments delivered in the cases of *Zulfiqar Halder and Another -vs- State of Uttar Pradesh and Others*, reported in 2025 SCC OnLine SC 766, *In re : Manoj Tibrewal Akash*, reported in 2024 SCC OnLine SC 3210 and *In re : City Hounded by Strays, Kids Pay Price*, reported in (2025) 9 SCC 12.

Mr. Mazumdar, learned Additional Advocate General appearing for the State authorities submits that in cases where specific complaints had been lodged pertaining to the incidents referred to in the writ petition, appropriate steps have already been taken, FIR has been registered and the delinquents have already been arrested. He prays for an opportunity to bring on record the documents in support of such contention.

Prima facie the complaints lodged cannot be dismissed as daily sight, to be pitted and buried but to be examined from fundamental view point. The guarantee of human dignity, which forms part of our constitutional culture and the positive provisions of Articles 14, 19 and 21 of the Constitution of India spring into action when we realize that to dehumanize a man is unreasonable and arbitrary. Dignity and security that the law affords are not privileges conferred at the discretion of those in authority; they are rights inherent to every individual, regardless of station, circumstance or means.

State has a responsibility to protect the accused persons from inhumanity and barbarity. The general public cannot take law in their own hands. The incidents of hurling eggs upon the accused persons, treating them to be scurrilous imposters, need to be

restricted and it is the State's obligation to extend due protection to the persons accused.

In the said conspectus, we direct the Director General of Police, West Bengal being the respondent no.4 herein to immediately issue appropriate guidelines to prevent persons from hurling eggs upon the accused persons and from creating any nuisance, to prevent public violence and mob lynching. Such guidelines shall be communicated to all the police stations all over the State of West Bengal with mandatory directions upon the officers concerned to comply with the same. The State authorities shall maintain a strict vigil and ensure that appropriate steps are taken once any such incident is reported.

On the returnable date, the respondent no.4 shall file a comprehensive report in the form of an affidavit detailing all the steps taken in compliance of the present directions of this Court.

Within a period of two weeks from date, the State respondents shall also file an affidavit-in-opposition dealing with the specific allegations levelled in the writ petition and furnishing the total list of cases already registered pertaining to the complaints referred to in the writ petition.

List the matter for further consideration in the daily supplementary list of this Court on 20th July, 2026 as fixed at 2.00 p.m.

In spite of service, no one has appeared on behalf of the private respondent nos.58 and 59. To give a further opportunity to appear and contest, the petitioner is directed to intimate this order and to serve the copies of the supplementary affidavits, as filed today, upon the private respondent nos.58 and 59. A copy of the order shall also be communicated to the respondent no.4 immediately.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)