

March 14, 2022  
Sl. No.1-10  
Court No.1  
SG/s.biswas

WPA(P) 142 of 2021  
With  
CAN 1 of 2021  
CAN 3 of 2021  
CAN 5 of 2022  
Susmita Saha Dutta  
Vs.  
The Union of India and Ors.

With  
CPAN 667 of 2021  
Anindya Sundar Das  
Vs.  
Sanjay Sarkar

AND  
WPA(P) 143 of 2021  
With  
CAN 2 of 2021  
Anindya Sundar Das  
Vs.  
Union of India and Ors.

AND  
WPA(P) 144 of 2021  
With  
CAN 2 of 2021  
CAN 3 of 2021  
Priyanka Tibrewal  
Vs.  
The State of West Bengal and Ors.

AND  
WPA(P) 145 of 2021  
With  
CAN 2 of 2021  
Pradipta Arjun  
Vs.  
Union of India and Ors.

AND  
WPA(P) 146 of 2021  
Smt. Aparajita Mitra  
Vs.  
The Union of India and Ors.

AND  
WPA(P) 147 of 2021  
With  
CAN 2 of 2021

Kuntal Mojumder  
Vs.  
Union of India and Ors.

AND  
WPA(P) 148 of 2021  
With  
CAN 1 of 2021  
CAN 3 of 2021  
Susheel Kumar Pandey  
Vs.  
State of West Bengal and Ors.

AND  
WPA(P) 149 of 2021  
With  
CAN 2 of 2021  
CAN 3 of 2021  
Marufa Bibi and Ors.  
Vs.  
State of West Bengal and Ors.

AND  
WPA(P) 167 of 2021  
With  
CAN 2 of 2021  
Kashinath Biswas  
Vs.  
Union of India and Ors.

(Through Video Conference)

Mr. Uday Shankar Chattopadhyay,  
Mr. Sankar Prasad Dalapati,  
Mr. Debopriya Samanata,  
Mr. Sourav Mallick, Advocates  
... for the Petitioner in WPA(P) 143 of 2021

Ms. Priyanka Tibrewal  
... Petitioner in-person in WPA(P) 144 of 2021

Mr. Sushil Mishra,  
Mr. Manabendranath Bandyopadhyay,  
Mr. Debu Chowdhury,  
Mr. Bikash Kr. Singh, Advocates  
... for the Petitioner in WPA(P) 145 of 2021

Mr. Samim Ahmed,  
Ms. Salini Bhattacharya, Advocates  
...for the Petitioner in WPA(P) 149 of 2021

Mr. Rabi Sankar Chattopadhyay,  
Mr. Soumen Banerjee,  
Mr. Sayan Chattopadhyay,

Mr. Saptaswa Bhattacharya, Advocates  
...for the Petitioner in WPA(P) 167 of 2021

Mr. Y.J. Dastoor, Additional Solicitor General  
Ms. Amrita Pandey  
Mr. Arijit Majumdar, Advocates  
...for the Union of India

Mr. Y.J. Dastoor, Additional Solicitor General  
Mr. Phiroze Edulji  
Mr. Samrat Goswami, Advocates  
...for the CBI

Mr. S.N. Mookherjee, Advocate General  
Mr. Anirban Ray, Government Pleader  
Mr. Raja Saha  
Mr. Debashish Ghosh,  
Mr. Nilotpal Chatterjee, Advocates  
...for the State

Mr. Ayan Bhattacharyya,  
Mr. Anand Keshari,  
Mr. Ayan Poddar, Advocates  
...for the S.I.T.

Mr. Sidhant Kumar  
Ms. Manyaa Chandok  
Mr. Anuran Samanta, Advocates  
...for the ECI in Item Nos.3, & 7-10

Learned Additional Solicitor General has referred to the supplementary affidavit filed on behalf of the CBI and has pointed out that in CAN 5 of 2022 certain incorrect factual averments were inadvertently made which need to be corrected.

He has submitted that in paragraph 3(a) of the application it was inadvertently mentioned at Serial No.3 of the tabular list that a case was registered on receipt of complaint from individual complaints, though they did not figure in the NHRC Report, but later, on inspection it was found that the case was mentioned in the NHRC list, however, the CBI registered this case on receipt of private complaint.

He has also submitted that two more cases were registered on the basis of the complaints though not referred by the NHRC, as per dictum of this Hon'ble High Court at paras 156 and 157 of the order dated 19.08.2021. The same were inadvertently missed out in the tabular list under paragraph 3(a) of the application.

The facts so stated in the supplementary affidavit are taken on record.

The fourth status report on behalf of the CBI, Special Crime Branch, Kolkata is taken on record.

Learned Additional Solicitor General has submitted that 28 cases, which were under investigation before the CBI as indicated on the previous date, are still under investigation.

Learned counsel appearing for the SIT has also placed on record the status report dated 16.02.2022 and has submitted that in that report one case was shown to be under investigation, but thereafter the SIT has received 31 cases from the CBI. Therefore, as on today 32 cases are under investigation before the SIT.

Ms. Tibrewal, the petitioner present in-person in WPA (P) 144 of 2021 has filed the affidavits of 303 persons who, according to her, have either been forcibly ousted from their houses or have not been allowed to go back to their houses or their houses have been destroyed, therefore they cannot go back to their

houses or those who have not been permitted to go back their workplaces. She has submitted that out of 303 affidavits, 47 relate to those persons who have not been allowed to return to their workplaces, 92 relates to those persons whose houses have been demolished, so they are not in a position to return to their houses and 164 relates to those who have been forcibly ousted from their houses and have not been able to return due to non-cooperation of the State authorities.

She has further submitted that even those persons who are permitted to go back to their houses, are receiving threats from the local goons and facing difficulty in residing on their own houses.

She has expressed that if police protection is not extended to those persons, they will face serious difficulties and that a committee of two Members, one from the NHRC and the State Human Rights Commission be formed, so that affidavits can be placed before them and real position can be ascertained by the said Committee.

She is directed to supply a complete set of those affidavits to learned Advocate General and DG & IG of Police.

The DG and IG of Police is directed to ensure that none of those 303 persons who have filed affidavits are harassed either by the police authorities or by the local goons.

In respect of WPA (P) 149 of 2021, on 03.01.2022 this Court had directed learned counsel for the petitioner to provide a copy of the petition along with enclosures to learned Additional Solicitor General and he was also directed to give a list of the ousted persons to learned Advocate General.

Both learned ASG and learned AG have submitted that they have not received copy of the petition.

Let a copy of the petition be served by learned counsel for the petitioner within one week in terms of the previous order dated 03.01.2022.

The petitioner is directed to place on record the complete details of persons in the form of supplementary affidavit who, according to him, have not been permitted to go back to their houses.

On receipt of these details, learned ASG as also learned AG will take necessary steps as already directed on 03.01.2022 within three weeks.

Learned counsel appearing for the E.C.I. has submitted that in respect of the issue of post-poll violence, Election Commission of India is not a necessary party, therefore presence of Election Commission of India in the present case be dispensed with.

No one has any objection in this submission.

Hence, the prayer of ECI is allowed and the presence of Election Commission of India is dispensed with until further order.

List on 19.04.2022.

**[Prakash Shrivastava, C.J.]**

**[Rajarshi Bharadwaj, J.]**