

4 09.03.2022

gd/ssd

WPA(P)/104/2022
ASHLESH BIRADAR
VS
THE STATE OF WEST BENGAL

Mr. Ranjan Bachawat,
Mr. Manoj Tiwari,
Mr. Sarosit Dasgupta,
Ms. Urinda Bhandari,
Mr. Tanmay Singh,
Mr. S. Ginodia,
Mr. Satyki Mukherjee,
Mr. Abhinav Sekhri
..for the Petitioner

Mr. S.N. Mookherjee, learned Advocate General,
Mr. Samrat Sen,
Mr. Anirban Roy,
Mr. Debashis Ghosh,
Mr. Nilotpall Chatterjee
..for the State

In this public interest litigation the petitioner has challenged order dated 3rd of March, 2022 issued by the Additional Chief Secretary, Home and Hill Affairs Department in respect of temporary suspension of internet services relating to data related message or class of messages to or from any person or class of persons relating to any particular subject.

Counsel for the petitioner has relied upon the judgment of the Supreme Court in the matter of *Anuradha Bhasin v. Union of India and Others* reported in (2020) 3 SCC 637 and has also referred to Section 144 of the Cr.P.C. in support of submission that such an order cannot be sustained in law.

Learned Advocate General has submitted that the order has been passed not only under Section 144 of the Cr.P.C. but under Rule 2(1) of the Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017 and that the order has been passed in accordance with law and he has also placed reliance upon certain paragraphs of the judgment of the Supreme Court in *Anuradha Bhasin* (supra).

During the course of submission learned AG has pointed that the meeting of the review committee in terms of Rule 2(6) of the Rules of 2017 is scheduled for tomorrow at 11 a.m. He has also sought time to file the affidavit along with the relevant documents.

Let the same be filed by tomorrow 10.30 a.m. by supplying a copy thereof to the other side.

List on 10th of March, 2022 at 2.00 p.m.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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