

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**Present:**

**The Hon'ble Justice Jay Sengupta**

**WPA 54 of 2024**

**Tufan Mahata**

**Versus**

**The State of West Bengal & Ors.**

For the petitioner : Mr. Rajdeep Majumder  
Mr. Moyukh Mukherjee  
Ms. Sagnika Banerjee

For the Netai Sahid Smirti Raksha  
Committee : Mr. Saptansu Basu, Sr. Adv  
: Ms. Ananya Das

For the State : Mr. Kishore Dutta, Sr. Adv & Ld. AG  
Mr. Amitesh Banerjee, Sr. Adv  
Mr. Rudrajit Sarkar

Heard lastly on : 05.01.2024

Judgment on : 05.01.2024

**Jay Sengupta, J:**

This is an application praying for direction upon the respondent authorities to allow the petitioner and some of his associates including the Leader of Opposition in the State to visit the village Netai on 07.01.2024 for an hour at any time between 10.30 AM and 5.00 PM for garlanding the Shahid Bedi at Netai.

Learned counsel appearing on behalf of the petitioner submits as follows. On 02.01.2022, the petitioner being the District President of the political party in opposition in the State prayed for permission to hold a function at the Shahid Bedi at Netai on 07.01.2024. However, by a communication dated 07.12.2023, the Inspector in Charge of Lalgah P.S. intimated the petitioner that one Netai Sahid Smirti Raksha Committee (the Committee, for short) had already prayed for observing Netai Diwas for paying homage to the 'martyrs' and the injured through various sacred rituals and programs at the place on 06.01.2024 and 07.01.2024 and permission had already been granted for such function. The petitioner and the Leader of Opposition had been paying tribute to the 'martyrs' of Netai for the last 12 years. In fact, the Shahid Bedi at the place was also constructed at the behest of the Leader of Opposition. Earlier the Committee itself used to have him as a guest. After shifting of allegiance to another political party, the Committee might not be interested to do so now. However, the petitioner still wants to pay tribute to the victims. In fact, there are number of family members of the victims of the Netai Massacre who are with the petitioner.

Reliance is placed on an earlier order dated 05.01.2022 passed by a Co-ordinate Bench of this Court in WPA No. 124 of 2022 where it was held that no special permission was required for any Indian Citizen to go to any part of the country including at Netai and the Leader of Opposition was permitted to visit the place on the 7<sup>th</sup> of January, 2022.

Learned Advocate General representing the State submits as follows. A permission was earlier sought by the Committee to hold such rituals and functions on 06.01.2024 and 07.01.2024. The same was granted. However, the Administration has tried to persuade the committee to conclude their function on 07.01.2024 by 5 PM so that the petitioner along with the Leader of Opposition and his security personnel, if required, can go to the Shahid Bedi for garlanding and paying homage.

Learned senior counsel representing the Committee, although not added as a party, is granted leave to advance submissions. He submits as follows. The Committee has been carrying on this programme for the last 12 years to pay homage in the memory of the 'martyrs' and the injured. On 07.01.2024, since it is winter season, they would start a little late at about 6 AM and continue till 5 PM. After that, if anyone else wants to go to the place to pay homage to the 'martyrs', the Committee would be having no objection to the same.

It appears that permission has already been granted by the Administration to the Committee to hold certain programmes on 06.01.2024 and 07.01.2024 to pay homage to the victims of the Netai incident.

A Co-ordinate Bench of this Court by an order dated 05.01.2022 passed in WPA No. 129 of 2022 had earlier effectively permitted the Leader of Opposition to visit the venue on an earlier occasion. I find no change in circumstances so as to take a different view.

Since the Administration has already persuaded the Committee to conclude their function on 07.01.2024 at 5 PM so that the petitioner and the Leader of Opposition can visit the place for paying homage to the victims on that day, a similar permission be granted to the latter by the respondent authorities on the following terms.

The Committee and its participants shall conclude their programme at the venue on 07.01.2024 and disperse, positively by 4.30 PM. The petitioner and the Leader of Opposition, along with the security personnel only, shall be entitled to visit the place for garlanding at the Shahid Bedi and paying homage to the victims on that date between 5 PM and 6 PM.

The Administration shall make adequate arrangements by deputing armed personnel so that no untoward incident can take place.

It is clarified that taking into consideration the gravity of the occasion, on either dates none of the parties would make it a political issue or indulge in slogan shouting or give political speeches or commit other similar acts.

If necessary, the entire events starting from 06.01.2024 and ending on 07.01.2024 shall be videographed by the police authorities.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties,  
if applied for, as early as possible.

**(Jay Sengupta, J.)**