

D/L. 8.
January 22, 2024.
MNS.

WPA No. 787 of 2024

Sardar Lalu Singh
Vs.
The State of West Bengal and others

Mr. Shuvasish Sengupta,
Mr. Abhrajit Roy Chowdhury

... for the petitioner.

Mr. Anirban Ray,
Sk. Md. Galib,
Ms. Sujata Mukherjee

...for the State.

Mrs. Pampa Dey Dhabal,
Ms. Sangita Banerjee Chakraborty

...for the respondent nos. 8 and 10.

1. In view of the limited scope of the writ petition, further documents are not required to be brought on record.
2. Accordingly, affidavits are not being directed and the matter is taken up for hearing now. Obviously, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents.
3. Learned counsel for the petitioner contends that the petitioner is a member of the Agrahari Sikh Community and also the concerned Gurudwara that is, Gurudwara Chhota Sikh Sangat, which is the leading light of the said

community, being the Gurudwara of the community in Calcutta.

4. By the impugned decision taken by the Office Bearers of the said Gurudwara dated September 19, 2023, the petitioner was excommunicated from the entire community of Agrahari Sikhs. The exact term used in the said communication was "*roti beti kaa sambandh samapt kia jata hai*".
5. The same, roughly translated in English, connotes that all connections of the petitioner from the Agrahari Sikh Community, in all regards, social and otherwise, are being severed.
6. It is argued that the trigger which prompted the respondent nos. 8 to 10 to do this is a matrimonial dispute between the petitioner's son and his wife.
7. It is also argued that the fundamental right to life of the petitioner and right to live with dignity as assured under Article 21 of the Constitution of India is being blatantly violated by such action and the same be set aside by the writ court.
8. Learned counsel appearing for the respondent nos. 8 and 10 supports the decision of the said respondents on the ground that the petitioner had not responded to the said

respondents' communications. It is argued that the daughter-in-law of the petitioner is a helpless lady having none but her brother to look after her. The brother of the said lady had complained, upon which the Gurudwara took the impugned steps against the petitioner, stating the petitioner did nothing to resolve the issue.

9. At the outset, the issue of maintainability of the writ petition is required to be decided, since under normal circumstances, the status to any religious or other office is amenable to jurisdiction of a competent civil court under Section 9 of the Code of Civil Procedure.
10. However, the present challenge transcends the borders of mere contravention of legal right, title and interest of the petitioner and his family and transgresses into a blatant violation of the right of the petitioner to live a life of dignity, as rightly submitted by the petitioner.
11. Excommunication from an entire community, not pertaining to religious persecution alone but also the social life and relations of the petitioner is such a stringent action, which touches the normal life of a person and the right to live with dignity. The decision to excommunicate the petitioner from all facets of social life amounts to ostracization and

squarely violates the petitioner's fundamental right under Article 21 of the Constitution.

12. To justify the impugned action, the respondent nos. 8 and 10 have merely cited the authority of the said respondents to excommunicate the petitioner on the flimsy ground that the petitioner's son has a matrimonial issue with his wife.

13. However, under no stretch of imagination can the petitioner be held responsible for such dispute between his son and his daughter-in-law. Even if there is such a dispute, the same cannot castigate either of the parties to the said dispute, more so at the behest of a Gurudwara, which governs the religious life of the father of one of the parties, to such dispute.

14. It is entirely within the domain of the civil court to decide, if brought to it, a matrimonial dispute in accordance with law, which has nothing to do with any role to be played by the father of one of the spouses.

15. For such innocuous reason, the extreme step of social, religious and economic excommunication unleashed on the petitioner by the respondent nos. 8 to 10 is palpably violative of Article 21 of the Constitution.

16. The respondent nos. 8 and 10 would do well not to arrogate to themselves the control of the entire Agrahari Sikh Community upon themselves in every respect, thereby usurping the powers and authority of a competent civil court.
17. Also, the Gurudwara may provide religious guidance and leadership to its members, but the reason cited for the excommunication has nothing to do with religion.
18. Thus, the impugned excommunication is violative of the Constitution of India and is required to be immediately set aside.
19. Accordingly, WPA No. 787 of 2024 is allowed on contest, thereby setting aside the notice to the petitioner dated September 19, 2023, which is annexed to the present writ petition as Annexure P4 at page 63, whereby the petitioner was excommunicated and quashing the decision of the respondents 9 to 10, representing the Gurudwara Chhota Sikh Sangat.
20. The respondents shall not take any steps in pursuance thereof and are hereby restrained from excommunicating the petitioner in future on the same ground by subsequent communication.

21. For the severe harassment and trauma suffered by the petitioner due to such patently unconstitutional act of the respondent nos. 8 to 10, the said respondents shall individually pay costs of Rs. 50,000/- each to the petitioner totalling Rs.1,50,000/-, within a fortnight from date.

22. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)