

February 14, 2022
Sl. No.15
Court No.1
SG/s.biswas

WPA (P) 54 of 2022

Madhurima Sengupta

vs.

Facebook Inc. India and others

(Through Video Conference)

Mr. Barun Kumar Ray,
Ms. Mita Banerjee Ray,
Mr. Satanik Ghosh,
Ms. Antaa Sengupta, Advocates

... for the petitioner

Mr. Mukul Rohatgi, Senior Advocate
Mr. Tejas Karia,
Mr. Ajit Warriar,
Mr. Gauhar Mirza,
Mr. Shyamal Anand,
Mr. Sakabda Roy,
Ms. Trisha Mukherjee,
Mr. Sayash Srivastava,
Ms. S. Farid, Advocates

... for the respondent No.1

Mr. S. N. Mookherjee, Id. Advocate General
Mr. Anirban Ray, Id. Govt. Pleader,
Mr. Amitesh Banerjee, Id. Sr. Standing Counsel
Mr. Nilotpal Chatterjee, Advocate

... for the State

The allegation in this petition is in respect of an offensive post with regard to Goddess Saraswati in the facebook. The gist of that offensive post is mentioned in paragraph 2 of the petition and a vernacular copy of the same has been enclosed at pages 22 and 23 of the petition.

Mr. Rohatgi, learned senior counsel appearing for the respondent No.1, has submitted that since URL of the post has not been disclosed, it is difficult to trace out the offensive post and that though the name of the person who had posted is mentioned in paragraph 15(IV) of the petition, but he has not been impleaded as a respondent. He has further submitted that if this court directs then

the offensive post will be removed and that other courts have issued similar direction earlier.

Learned Advocate General has vehemently submitted that it is an offensive post and is required to be deleted by the respondent No.1 and so far as the State is concerned, adequate action has already been initiated against the person who had posted the said offensive post.

Having regard to the circumstances of the case, we are of the opinion that if such a message has been posted in the facebook, then it is required to be deleted as apparently it is offensive.

Respondent No.1 is directed to do the needful in this regard.

Learned counsel for the petitioner is directed to disclose the URL of the post in question to the respondent No.1 without any delay and also take appropriate steps to implead the person who had posted such a message in the facebook. He is also directed to file English translation of the documents of pages 22 and 23 of the petition.

The supplementary affidavit filed by the petitioner is taken on record. Let a copy thereof be supplied to learned counsel for the respondents within three days.

List on 22.02.2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]