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WPA(P) 142 of 2021
With
CAN 1 of 2021
Susmita Saha Dutta
Vs.
Union of India & Ors.
With
WPA (P) 143 of 2021
Anindya Sundar Das
Vs.
Union of India & Ors.
With
WPA(P) 144 of 2021
Priyanka Tibrewal
Vs.
The State of West Bengal & Ors.
With
WPA(P) 146 of 2021
Aparajita Mitra
Vs.
Union of India & Ors.
With
WPA(P) 148 of 2021
With
CAN 1 of 2021
Susheel Kumar Pandey
Vs.
State of West Bengal & Ors.
With
WPA(P) 149 of 2021
Marufa Bibi & Ors.
Vs.
State of West Bengal & Ors.
(Through Video Conference)

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

Ms. Saloni Bhattacharya (Through VC)
..for the Petitioner in
WPA(P) 142 of 2021.

Mr. Bikash Ranjan Bhattacharya,
Senior Advocate with
M/s Uday Sankar Chattopadhyay,
Debapriya Samanta and
Pronoy Basak, Advocates (Through VC)
..for the Petitioner in
WPA(P) 143 of 2021.

Mr. Sukanta Ghosh, Advocate (Through VC)
..for the Petitioner in
WPA(P) 146 of 2021.
Mr. Bikash Ranjan Bhattacharya,
Senior Advocate with
Ms. Saloni Bhattacharya and
Mr. Samim Ahammed, Advocates (Through VC)
..for the Petitioner in
WPA(P) 149 of 2021.
Mr. Kishore Dutta, Advocate General with,
M/s Abhratosh Majumdar and
Sayan Sinha, Advocates (Through VC)
..for the State.
Mr. Y.J. Dastoor,
Additional Solicitor General with
M/s Phiroze Edulji,
Bhaskar P. Banerjee
Arijit Majumder and
Ms. Amrita Pandey, Advocates (Through VC)
..for the Union of India.
M/s Arvind Datar,
Sidhant Kumar
Manyaa Chandok
Dipayan Chaudhury and
Suvrodal Choudhury, Advocates (Through VC)
..for the ECI.
* * * *

As noticed in the order passed by this Court on May 28, 2021 the issue raised by Ms. Priyanka Tibrewal in the petition filed by her was regarding 200 persons, who were not allowed to go back to their houses after Assembly polls were concluded. She alleges that there is threat to their lives, in case they return back to their houses. In fact they are not being allowed to enter that area and even the police is not entertaining their complaints.

The aforesaid allegations are sought to be disputed by Mr. Kishore Dutta, learned Advocate General, stating that some of the persons, who are allegedly not being allowed to go back to their houses,

are at different places as per their job requirements. Some could not come back because of lock down. Whereas 39 persons have already returned back to their houses.

The aforesaid factual issues cannot be decided merely on the basis of the affidavits being filed by both the parties. No person can be forced to remain away from his/her house because of threat to life, after Assembly Polls are over. They have the right to live in their houses peacefully. It is the duty of the State to ensure that law and order situation is maintained so that the persons, as alleged by Ms. Priyanka Tibrewal, are allowed to go back to their houses.

Considering the aforesaid factual matrix in the case in hand and with a view to resolve the issue pertaining to the case specified by Ms. Tibrewal, we deem it appropriate to direct that a Committee of three officers be constituted, which will monitor and coordinate this situation. It will report back to this Court that the persons, as have been mentioned in the affidavit filed by Ms. Priyanka Tibrewal and any other persons within the Entally Constituency, are peacefully allowed to go back to their houses and live there. The Committee shall consist of an officer each nominated by the Chairperson of the National Human Rights Commission and the West Bengal State Human Rights

Commission and the Member Secretary of the West Bengal State Legal Services Authority.

The persons, who are allegedly not being allowed to go back to their houses, will communicate on the official e-mail ID, namely, **wbstatelegal@gmail.com** of the West Bengal State Legal Services Authority regarding the problems being faced by them in returning back to their houses. After receipt of the details of the aforesaid persons, the Member Secretary of the authority will inform the National and State Human Rights Commission. The Committee shall coordinate with the local police stations and ensure that the aforesaid persons are allowed to go back to their houses. The Committee shall submit a report to this Court regarding the entire process.

It shall be the duty of the local police to ensure that all the aforesaid persons when reinstated back in their houses are allowed to live peacefully and that they don't face any threat to their life, liberty and property. In case of any untoward incident the local police will be responsible, if they fail to maintain peace, law and order in the area. The communications be sent to the official e-mail ID of the West Bengal State Legal Services Authority by 11 A.M. on June 01, 2021. Thereafter the Committee shall coordinate and intimate to all the persons concerned about the place where they have to

report. The process shall be carried out on June 2, 2021 at 12 noon onwards. All concerned police officers shall coordinate with the aforesaid Committee and provide complete assistance in the process.

To be taken up on June 4, 2021 at 11 A.M.

The Committee shall submit the report to this Court on that date.

In the meantime, the affidavits-in-opposition may be filed by the State in the other petitions, wherever not filed.

Copy of this order be sent by the Registrar General of this Court to the Chairperson of the National Human Rights Commission, West Bengal State Human Rights Commission and Member Secretary, West Bengal State Legal Services Authority immediately.

[Rajesh Bindal, C.J.(A)]

[I.P. Mukerji, J.]

[Harish Tandon, J.]

[Soumen Sen, J.]

[Subrata Talukdar, J.]

