

15.05.2025
SI Nos.2-7
Court No.8
(gc/SKG)

WPA(P) 153 of 2025

**Suwendu Adhikari & Anr.
Vs.
State of West Bengal & Ors.**

With

WPA 8700 of 2025

**Milan Ghosh & Ors.
Vs.
State of West Bengal & Ors.**

with

WPA (P) 154 of 2025

**Sanjukta Samanta
Vs.
Union of India & Ors.**

With

WPA(P) 155 of 2025

**Priyanka Tibrewal
Vs.
State of West Bengal & Ors.**

with

WPA(P) 156 of 2025

**Amiya Kumar Sarkar
Vs.
Union of India, Ministry of
Home Affairs & Ors.**

With

WPA(P) 159 of 2025

**Rajarshi Lahiri
Vs.
The State of West Bengal & Ors.**

Mr. Soumya Majumdar, Sr. Adv
 Mr. Billwadal Bhattacharyya, Sr. Adv.
 Mr. Koustav Bagchi
 Mr. Anish Kumar Mukherjee
 Mr. Suryaneel Das
 Ms. Megha Dutta
 Mr. Tamoghna Pramanick
 ... For the Petitioners in
 WPA(P) 153 of 2025

Mr. Sudipto Moitra, Sr. Adv.
 Mr. Moyukh Mukherjee
 Mr. Pritam Roy
 Ms. Sagnika Banerjee
 ...for the petitioner in WPA 8700/2025

Mr. Asok Kr. Chakraborty, ld. ASG
 Mr. Kumar Jyoti Tiwari, Sr. Adv.
 Ms. Rashmi Bothra
 ...for the respondent in WPA 8700/2025

Mr. Asok Kumar Chakraborti, Ld ASGI
 Mr. Siddhartha Lahiri
 Mr. Arijit Majumdar
 ... For Union of India in
 WPA(P) 153 of 2025

Mr. Arun Kumar Maiti(Mohanty)
 Mr. Bhaskar Prosad Banerjee
 Mr. Debasis Tandon
 Mr. Debayan Sen
 ... For NIA in WPA(P) 153 of 2025,
 WPA(P) 154 of 2025 &
 WPA(P) 155 of 2025

Mr. Debayan Sen
 ...for the NIA in WPA (P) 153 of 2025,
 WPA (P) 154 of 2025 &
 WPA (P) 155 of 2025.

Mr. Kalyan Bandyopadhyay, Sr. Adv
 Mr. Sirsanya Bandyopadhyay, Sr. St.Counsel,
 Mr. Ranashis Mukherje
 Mr. Abhinaba Chatterjee
 Mr. Swasato Chatterjee
 ...for the petitioner in WPA(P)/159/2025

Ms. Sanjukta Samanta
 Mr. Ronit Dutta
 ... For the Petitioner in
 WPA(P) 154 of 2025

Mr. Asok Kumar Chakraborti, Ld ASGI
 Ms. Amrita Pandey
 ... For Union of India in
 WPA(P) 154 of 2025

Ms. Priyanka Tibrewal
 ... For the Petitioner(in person)
 in WPA(P) 155 of 2025

Mr. Asok Kumar Chakraborti, Ld ASGI
 Mr. Arijit Majumdar
 ... For Union of India in
 WPA(P) 155 of 2025

Mr. Krishnendu Sarkar
 Mr. Biswaranjan Bhakat
 Mr. Rajashree Chatterjee
 Mr. Govind Jethalia
 Mr. Anindu Sundar Das
 Mr. Sujit Bhunia
 Mr. Shaunak Ghosh
 Mr. Tarun Kumar Das
 Mr. Arka Bhattachariya
 Mr. Debapriya Samanta
 Syed Ali Afzal
 Mr. Suva Gayen
 Ms. Paramita Mondal
 Mr. Suman Halder

... For the Petitioner in
 WPA(P) 156 of 2025

Mr. Kumar Jyoti Tewari, Sr. Adv
 Ms. Rashmi Bothra
 ... For Union of India in
 WPA(P) 156 of 2025

1. The affidavit on behalf of the respondent nos.1 to 3 and 6, supplementary affidavit on behalf of the petitioner in WPA (P) 155 of 2025, affidavit on behalf of the respondent no.4 (Union of India), the report by the Committee formed in terms of the order dated 17th April, 2025 and the report of the Special Investigation Team (SIT) are taken on record.

2. Presently for the sake of confidentiality, we are not directing supply of the report of the SIT and the report by the Committee formed in terms of the order dated 17th April, 2025. These two reports shall be retained in a sealed envelope and shall be placed on the adjourned date.
3. The learned Additional Solicitor General has drawn our attention to sub-paragraphs (iii) and (v) of paragraph 4 of the affidavit to demonstrate that there has been a migration of over 500 people from Hindu community from Samsherganj Police Station to Malda district and the Union Home Secretary in consultation with the Chief Secretary of West Bengal considering the gravity of the situation in addition to the nearly 300 BSF personnel locally available in Murshidabad, 05 additional companies were deployed at the request of the State Government. The State Government was requested to keep a close watch on the situation in Murshidabad as well as other districts in the State and take adequate measures to ensure normalcy at the earliest. The intelligence inputs were received about the likelihood of imminent deterioration of law and order situation, including communal situation leading to sporadic violence and targeting of Central Government properties in

some other hotspots in about 15 districts across West Bengal. The inputs were shared with the Chief Secretary to the Government of West Bengal on 18th April, 2025 and it was advised that adequate measures may be taken including the security arrangements at vulnerable hotspots to prevent any untoward incident and to maintain law and order, peace and public tranquillity.

4. The State Government was also advised to keep a close watch on social media to curb the spread of any misinformation and to request for additional CAPFs, if necessary.
5. Mr. Kalyan Bandyopadhyay, learned Senior Counsel appearing on behalf of the State has referred various paragraphs of the affidavit on behalf of the respondent nos.1 to 3 and 6 to demonstrate that the administration has taken adequate measures both with regard to the rehabilitation and maintaining law and order situation in the affected areas. It is stated in the said affidavit that 1093 social media accounts have been blocked since 11th April, 2025. The Government has formulated a rehabilitation project and a sum of Rs.3,69,60,000/- has been sanctioned for the purpose of rehabilitating almost 283 families who have been identified till

now for providing relief for reconstruction of their dwelling houses under “Banglar Bari Scheme” with a proposal for providing them Rs.1.2 lacs per household under the State development fund. Our attention is drawn to the fact that the victims have been handed over the cheque worth Rs.1.2 lacs each to 283 number household and the Hon’ble Chief Minister distributed the said cheque along with 40 sewing machines and 40 riot affected victims.

6. The Committee has filed a report along with a pen drive. We have seen the video which reveals extensive damage to the properties. The committee has extensively visited Samasherganj Police Station and has noticed extensive damage to property and livelihood at Betbona village. The video footage contained in the pen drive would show extensive damage to property of the victims of the said village. It has been reported that at least one hundred houses in Betbota were destroyed and rendered uninhabitable. There was extensive use by the miscreants in addition to the application of force to the structures. The committee apparently was of the view that there was flagrant use of these channelized destructive forces that had brought about the

near complete devastation of the immovable properties of the victims. Houses as well as shops in Palpara and Ghoshpara were destroyed along with grocery stores, hardware shops, electrical equipment stores were destroyed beyond salvation. Religious places were also not spared. A total of 29 shops in Ghoshpara were targeted in the pogrom. The committee had observed that furniture (including refrigerator, inverter and computer found in the eatery and a few of the attacked shops), electric wirings and switch boards were uprooted and damaged. The wheat, rice and turmeric mills in Palpara belonging to Ram Krishna was vandalised.

7. With regard to the assessment of damage suffered by the victims, the committee has observed as follows:

“Coming to the issue of assessment of damage suffered by the victims, this Committee, overwhelmed by the sheer scale of the destruction inflicted upon the various kinds of properties of the sufferers, most humbly expresses its inability to compute and arrive at any numerical monetary value, either for individual cases or on cumulative basis. Although the District Magistrate, Murshidabad may be partly correct in asserting that the assessment of loss in respect of movables

has an element of forensic investigation, there is no basis to the State's plan to compensate the victims uniformly, without taking into consideration the individual circumstances and characteristics of the sufferers. Compensating the victims by giving each of them Rs. 1.20 lakhs under the scheme "Banglar Bari" (as divulged by the District Magistrate) may not do justice to all as the damaged and destroyed houses, differing in size and constructional features, do not admit of uniform financial salve. In the humble opinion of the Committee, appointing qualified valuation experts is the only possible remedy to the State's failure to protect a section of its citizens. The victims of the affected areas need individualized and customized rehabilitation packages and for this, securing the services of valuation experts appears to be the sine qua non."

8. The report submitted by the committee has posed a serious question as to the efficacy of the investigation considering the huge number of cases resulted from the violence. The Committee had interacted with the high ranking police personnel. However, the Committee was of the view that there may be a reasonable negative view on the police's performance having regard to the facts came to the notice of the Team. The police administration have selected nine cases as special report cases in relation to

the Samsherganj Police Station. There was complaint from the victims that the police were not registering their complaints which, however, were taken care of later and the Secretary, DLSA, Murshidabad on a request made by the Committee had taken steps for registering fresh cases which would be nearly 142 in number. The Committee has given a detailed report with regard to the condition of the distressed persons. The victims appear to be in a sorry state of affairs. Their homes have been vandalised, source of livelihood was taken away and movables of every possible kind pilfered and looted with impunity. Shock and trauma were writ large on the faces of the sufferers and the common grievance was that lack of timely police assistance. All the victims interacted by the Committee had expressed the demand for a permanent BSF camp in the locality. The Committee, However, has taken note of the work done by the civil administration of the district after the incident and has detailed the steps taken by the civil administration which according to the Committee was satisfactory.

9. The list of victims prepared by the Committee on 27th April, 2025 shall be circulated amongst the parties. We require the State to respond to

their rehabilitation and payment of compensation. They should be restored to their original place after restoring confidence in the system. In the interregnum the state must ensure proper shelter and accommodation to the victim. Upon restoration and rehabilitation the state must ensure their safety and security. It should be the duty of the administration to ensure peace, harmony and protection of the property and lives of the victims. We have been informed that rehabilitation and livelihood generation scheme have been formulated. However it shall be the responsibility of the State administration to ensure rehabilitation. It appears from the report that presently the victims are not acutely dissatisfied with the relief measures but they are anxious about their meaningful existence in view of their sufferings. We are sure that the State shall take note of such anxiety expressed by the victims and take appropriate measures in this regard. Their demand for permanent BSF camp in the affected areas shall also be considered.

10. Considering the nature and extent of the damage caused, we direct the Committee to appoint a valuer at the earliest from the panel of the High Court at Calcutta who shall assess the

nature and extent of damage and file a report on the adjourned date.

11. All costs, charges and expenses and remuneration shall be borne by the administration.
12. The District Magistrate shall render all assistance to the valuer to carry out the direction.
13. The Secretary, DLSA, Murshidabad shall assist the valuer at the time of inspection of the affected areas.
14. It is revealed from the report of the Committee that the vandalism and massacre are premeditated and appears to be an organized crime.
15. SIT is directed to make further investigation as the persons so far arrested and the cases registered are not commensurate with the large scale of violence and it presupposes involvement of large number of miscreants. SIT shall also consider that relevant and applicable penal provision against the miscreants as suggested by the committee for example Section 103(2), 113(2)(a) and (b), BNS, 2023 may be added in appropriate cases having regard to the nature of the offence disclosed. The SIT shall consider the said recommendation of the committee and take

appropriate steps in this regard. SIT shall file a report on or before the adjourned date.

16. The ACO attached to this Court shall make ten copies of the inspection report dated 27th April, 2025 and the learned Advocate-on-Record for the parties shall collect the said copy from the ACO.
17. In the event the writ petitioners are willing to use any affidavit in respect of the affidavits filed in Court today, they shall be at liberty to file such affidavit within four weeks from date; reply thereto, if any, shall be filed within three weeks thereafter.
18. The matter shall be listed on **31st July, 2025**.
19. The pen drive containing inter alia, videos and photographs of the damaged properties submitted by the Committee in a sealed envelope shall be kept in the safe custody of the court.

(Soumen Sen, J.)

(Raja Basu Chowdhury, J.)