

WPA (H) 50 of 2025

(Bhodu Sekh Vs. Union of India & Ors.)

**Mr. Raghunath Chakraborty
Mr. Supratick Syamal
Ms. Sabnam Sultana
Md. Apzal Ansari
Mr. Saikat Thakurata**

..... For the petitioner

**Mr. Ashok Kumar Chakraborty, Ld. ASG
Mr. Dhiraj Kumar Trivedi, DSGI
Mr. Kumar Jyoti Tiwari, Sr. Adv.
Mr. Shailendra Kr. Mishra
Ms. Anamika Pandey**

..... For the Union of India

**Mr. Dhiraj Kumar Trivedi, DSGI
Ms. Anamika Pandey**

..... For the Delhi Police

**Mr. Kishore Datta, AG
Mr. Amitabrata Roy, GP
Mr. Swapan Banerjee, AGP
Mr. Biswabrata Basu Mallick, AGP
Ms. Sumita Shaw
Ms. Parna Roy Chowdhury
Mr. Soumen Chatterjee**

..... For the State

**Mr. Kalyan Kr. Bandopadhyay, Sr. Adv.
Mr. Arka Kr. Nag
Mr. Sandip Dasgupta
Mr. Saaqub Siddiqui
Mr. Rahul Kr. Singh**

..... For the Police Authorities

Mr. Chakraborty, learned Additional Solicitor General assisted by Mr. Tiwari, learned senior advocate, appearing for the respondent nos. 1 to 4 submits that no part of cause of action has arisen within the State of West Bengal and the seat of the said respondents is at New Delhi. The writ petition was preferred alleging *inter alia* that the respondents have not taken into

consideration a representation submitted by the petitioner on 6th July, 2025. The said representation is addressed to the Station House Officer, K. N. Katju Marg, Police Station Rohini, New Delhi and in the same, it has been stated by the writ petitioner that in the event no satisfactory response is furnished, he would be constrained to seek appropriate remedies before the Hon'ble High Court of Delhi under Article 226 of the Constitution of India. In the said conspectus, the writ petition is not maintainable before this Court.

He further submits that the deportation order dated 26th June, 2025 has also not been challenged in the present writ petition. In the absence of such challenge, the present writ petition preferred seeking a writ of *habeas corpus* is not maintainable.

He further argues that the present writ petition has been preferred before this Court suppressing that previously one Karisma preferred a writ petition being WP (CRL) 1927 of 2025 before the Hon'ble High Court of Delhi. When the status report containing an order of detention dated 24th June, 2025 was placed before the Court, the writ petitioner did not press for any relief and accordingly, the said writ petition was dismissed on 30th June, 2025. Thereafter, the present writ petition was filed on 8th July, 2025 and on the very next day, another writ petition was filed before the Hon'ble High Court of Delhi being WP (CRL) 2496 of 2025 and the same was

dismissed as withdrawn by an order dated 12th August, 2025. In view thereof, the present writ petition needs to be dismissed on the ground of suppression of material facts.

Mr. Trivedi, learned Deputy Solicitor General of India appearing for the respondent nos. 5 and 6 submits that it cannot be urged on behalf of the petitioner herein that he had no knowledge about the writ petitions filed before Hon'ble High Court of Delhi since in the representation annexed to the present writ petition, he had stated that he would seek appropriate remedies before the Hon'ble High Court of Delhi. At the time of dismissal of the writ petition being, WP (CRL) 2496 of 2025 no leave was granted to prefer any fresh writ petition before any other appropriate forum.

Mr. Basu Mallick, learned Additional Government Pleader enters appearance on behalf of the State respondents.

Mr. Raghunath Chakraborty, learned advocate appearing for petitioner denies and disputes the contention of Mr. Chakraborty and submits that a part of the cause of action has arisen within the State of West Bengal and as such, the writ petition cannot be dismissed on the ground of maintainability *moreso* when an issue of violation of fundamental rights is involved in the present *lis*. The petitioner's daughter, son-in-law and minor grandchild had illegally been deported in hot

haste. The purported order of detention was passed on 24th June, 2025 and they were deported two days thereafter on 26th June, 2025. In the affidavits affirmed before this Court, the respondents have also not answered the queries as detailed in the order dated 11th July, 2025.

However, to conclude his arguments on the issue of maintainability he prays for an accommodation today to avail further instruction.

In view thereof, list the matter under the heading '*To Be Mentioned*' in the daily supplementary list of this Court on 11th September, 2025.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)