

**Court No. 1
14.05.2026**

**Item No. 20
PA (Chamber)**

**WPA (P) 231 of 2026
Sirsanya Bandopadhyay
Vs.
Union of India &Ors.**

Mr. Kalyan Bandopadhyay, Sr. Adv.
Smt. Mamata Bandopadhyay, Adv.
Smt. Chandrima Bhattacharya, Adv.
Ms. Pramiti Bandopadhyay, Adv.
Mr. Arka Kumar Nag, Adv.
Mr. Tirthankar Dey, Adv.
Mrs. Deboleena Ghosh, Adv.
Mr. Rahul Kumar Singh, Adv.
Mr. Ratikanta Pal, Adv.
Mrs. Shrobona Sengupta, Adv.
Mr. Danish Farooqui, Adv.
Mrs. Sneha Sarkar, Adv.
Mr. Kaushik Bandyapadhyay, Adv.
Mr. Anit Das, Adv.
Mr. ArijitGanguly, Adv.
Mr. Ashish Dutta, Adv.
Mr. Samirul Sardar, Adv.

..... For the Petitioner

Ms. Anamika Pandey, Adv.

.... For the ECI

Mr. Dhiraj Kumar Trivedi, Sr. Adv.
Mr. KallolMondal, Sr. Adv.
Mr. Amajit De, Adv.
Mr. BrajeshJha, Adv.
Mr. AtanuBasu, Adv.
Mr. Srijit Chakraborty
Mr. Sunit Mishra
Mr. Amitava Roy
Mr. Saibal Acharya
Mr. Swapan Kumar Pal
Ms. Debapriya Chatterjee
Mr. D. Ghosh

....For the State

Mr. Asok Kumar Chakraborti, Ld. ASG.
Ms. Rashmi Bothra, Adv.
Mr. Arijit Majumdar, Adv.
Ms. Shreyashi Sarkar, Adv.

..... For the Union of India

1. Shri Kalyan Bandopadhyay, learned senior
counsel assisted by Smt. Mamata Bandopadhyay

and Smt. Chandrima Bhattacharya, learned advocates for the petitioner submit that matter relates to post poll violence. By taking this court to certain paragraphs of the Writ Petition, Supplementary Affidavit and Documents annexed therewith it is submitted that a sizable number of properties and persons were subjected to post poll violence because of their political, reserved community, gender or religious background. Few persons even lost their lives.

2. The persons thrown out of their houses/properties need to be protected so that they may come back to their respective properties. The police must preserve CCTV footage, video recording etc. In addition, he submits that another post poll public interest litigation in WPA (P) 250 of 2023 relating to previous post poll violence has already been sent for adjudication to a five Judges Bench and present matter may also be sent to the said bench for analogous hearing.
3. In addition, he submits that he will file his Supplementary Affidavit to highlight the illegal “demolition” and “bulldozer action”. He placed reliance on orders/judgments passed in **WPA (P) 142 of 2021 (Susmita Saha Dutta vs. The Union of India & Ors.)**; **2024 SCC OnLine SC 3210 (In Re: Manoj Tibrewal Akash) and 2025**

***SCC OnLine SC 766 (Zulfiqar Haider & Anr.
vs. State of Uttar Pradesh &Ors.).***

4. Shri Asok Kumar Chakraborti, learned Additional Solicitor General raised the question of locus/maintainability of PIL by contending that petition is filed by an Advocate. The necessary averments for entertaining a PIL are missing. There are certain restrictions to file the PIL by a lawyer.
5. Furthermore, if petitioner wants to rely on other averments than the averments mentioned in the PIL, proper course is to file amendment application and not use a Supplementary Affidavit. No FIR is attached by the petitioner.
6. Shri Dhiraj Kumar Trivedi, learned counsel in the same line argued and urged that PIL is not maintainable. The necessary averments to entertain a PIL are missing. He would like to file an Affidavit-in-Opposition on merits. He further submits that no complaint preferred by the petitioner for present grievance has been annexed with the petition. The averments in the petitioners are ambiguous and bald. However, on more than one occasion, he fairly submitted that State being a welfare State will take strict action against persons who have violated law in case any such violation had taken place.

7. We have heard the learned counsel for parties.
8. Mr. Dhiraj Kumar Trivedi is permitted to file Affidavit-in-Opposition within three weeks by supplying advance copy to the petitioner to enable him to file exception (if any) within two weeks therefrom. The question of maintainability of PIL will remain open.
9. It will be open to the other respondents as well to file their Affidavit-in-Opposition within same time and open to petitioner to file respective exceptions.
10. In view of the stand taken by Mr. Dhiraj Kumar Trivedi, in the interest of justice it is observed that it shall be lawful for the police authorities to strictly maintain law and order at the ground level. The police shall also ensure that if any citizen irrespective of his/her party affiliation is illegally thrown out of his shop/house/property etc. due to post poll violence, he/she shall be given a safe return to his shop/house/property etc.
11. Whether, this matter needs to be heard by the said Five Judges' Bench will be considered after exchange of pleadings by the parties.
12. List thereafter liberty to mention.

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)