

10.07.2025
Item No.02
Court No.11
Avijit Mitra

WPA (H) 47 of 2025

Rajjak Sk.
-versus-
State of Odisha & ors.

Mr. Raghunath Chakraborty,
Ms. Sabnam Sultana,
Md. Apzal Ansari,
Ms. Amrita De

....for the Petitioner

Mr. Kishore Dutta, Ld. Advocate General,
Mr. Amitabrata Ray, Ld. Government Pleader,
Mr. Rana Mukherjee, A.P.P,
Ms. Sonal Sinha, A.G.P.,
Mr. Sudipta Panda,
Ms. Munmun Ganguly

...for the State respondents

Mr. Sandip Dasgupta,
Mr. Arka K. Nag,
Mr. Rahul Kumar Singh

....for the Police Authorities

The present petition has been filed against the respondents including Odisha police authorities alleging illegal detention of a migrant worker from the State of West Bengal and seeking issuance of a writ of *habeas corpus* directing release of the writ petitioner's son, namely, Sainur Islam (in short, Sainur) forthwith and to produce him in Court.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that Bengali speaking people have been illegally detained in Odisha. Sainur, a migrant labourer employed and working

at Jagatsingpur under Balikuda Police Station, Odisha had been detained beyond 24 hours without being produced before any Court of law on the basis of suspicion that he is a Bangladeshi since he speaks Bengali and the Odisha officials did not even cross-check his identity. Such act is violative of the fundamental rights.

Mr. Dutta, learned Advocate General appearing for the State authorities submits that necessary steps are being taken by the State authorities to avail instructions from the Government of Odisha.

This Court has the power to issue writs including *habeas corpus* under Article 226 of the Constitution of India which allows it to address violations of fundamental rights, even if the detention occurred in another State.

In view of the nature of allegations made, *prima facie*, we are of the opinion that the writ petition is maintainable and this Court cannot be a silent spectator. The authorities need to be directed to produce all relevant documents to enable this Court to infer as to whether Sainur had been illegally detained.

However, before issuance of any Rule in terms of the prayers upon the officials in the State of

Odisha at this stage, we would grant an opportunity to them and the other respondents to furnish instructions and place before this Court all relevant documents in answer to the following queries:

- (i) Whether Sainur had been detained or is missing ?
- (ii) If detained, whether such detention is in connection with any Court's order ?
- (iii) If detained, what are the grounds towards such detention ?
- (iv) Whether Sainur had been detained upon informing him of the specific grounds for his arrest ?
- (v) Whether Sainur's arrest is related to any investigation being conducted by the Odisha police authorities or the officials of the State ?
- (vi) Whether there has been any correspondence between the authorities of the State of West Bengal and the authorities of the State of Odisha ?

Such instructions and documents shall be placed by the respondents before this Court on the returnable date.

For compliance of the order and for placement of all necessary instructions and documents before this Court on the returnable date, we direct the Chief Secretary, Government of West Bengal to coordinate with the Chief Secretary, Government of Odisha.

List the matter for further consideration under the heading '*To Be Mentioned*' in the daily supplementary list of this Court on 14th July, 2025 as fixed at 12.00 noon.

As we have passed this order in presence of the learned Advocate General, the petitioner is not required to further communicate this order to the State authorities. However, the petitioner shall communicate the server copy of this order to the respondent nos. 1 to 3 immediately and file an affidavit-of-service on the returnable date.

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