

**HIGH COURT OF TRIPURA  
AGARTALA**

**W.P. (C) (PIL) No.05/2021**

**Along with  
W.P. (C) No.346/2021**

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For Petitioner(s) : Ms. R. Guha, Advocate.  
[in W.P. (C) (PIL) No.5/21] Mr. D.J. Saha, Advocate.

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate.  
[in W.P. (C) No.346/21] Mr. Abir Baran, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General.  
(in both the cases) Ms. Ayantika Chakraborty, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI  
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

**ORDER**

**03/05/2021.  
(Akil Kureshi, CJ).**

These proceedings arise out of an incident which took place in the city of Agartala on the night of 26<sup>th</sup> of April, 2021. Allegedly, when a marriage function was going on in two marriage halls in the city area, the District Magistrate, West Tripura, visited the said marriage halls and what ensued was some heated discussions and acts of impropriety allegedly committed by the District Magistrate. Parts of this incident were video graphed and soon made its way to social media and went viral attracting public attention across the country. PIL is filed by an advocate. His case is

that the District Magistrate had behaved improperly with the people present and had exceeded his powers. He has made several prayers including for issuance of writ against the District Magistrate for misuse and abuse of his official authority, to take action against him and the members of his team who had accompanied him at the said site on that night. Prayer is also made for issuing directions to the official respondents to take criminal action against the District Magistrate.

The Writ Petition is filed by the priest, who was called to perform the marriage ceremony of the bride and the groom. He has prayed for a direction to take punitive action against the District Magistrate and his team members including taking departmental action against them.

It is a well-known fact that soon after the said incident came to light, the State Government has instituted a two member Committee to inquire into the incident and to make a report to the Government. While this inquiry was going on, the Government has also passed an order dated 2<sup>nd</sup> of May, 2021 by which the District Magistrate concerned is divested of the charge of D.M. & Collector, West Tripura, the additional charges of CEO, Agartala Smart City, Commissioner TUDA, CEO, Tripura Jal Board and M.D., Agartala Smart City Ltd. till the inquiry is completed or till further orders. A copy of this Notification dated 2<sup>nd</sup> May, 2021 issued by the Government of Tripura is provided by the learned Advocate General and is taken on record.

To make further inquiries, we would require following documents and information from the petitioners and the State administration:

- (i) The complete footage of the video clips which are circulating in the social media. Learned advocate, Ms. R. Guha for the Public Interest petitioner has assured that she will provide a CD of all these videos to the Court as well as to the concerned parties along with an affidavit disclosing the source of these clips.
- (ii) The learned Advocate General shall place on record the Notification under which the inquiry against the D.M. has been instituted.
- (iii) The advocates of the petitioners as well as the learned Advocate General shall place on record whatever proceedings which may have been instituted either before the Police or before the Government in relation to the said incident of the night of 26<sup>th</sup> April, 2021.
- (iv) The petitioners shall disclose as to how many guests and serving staff were present in the marriage hall when the incident took place. They shall also disclose the precise time at which the D.M. visited the marriage halls. Learned senior advocate, Mr. Somik Deb for the petitioner of W.P. (C) No.346 of 2021, who was a priest performing the religious

ceremonies was unable to give precise details of number of people present. It would be duty of this petitioner to contact the father of the bride whose marriage was taking place and provide this information.

- (v) The learned Advocate General shall provide the exact stage of the inquiry instituted against the D.M.
- (vi) The learned Advocate General shall also state whether any lady members were arrested or detained at the police station on the night of 26th April, 2021 and whether the raiding party along with the District Magistrate contained any women police officers.

Looking to the sensitivity of the issues involved, we had heard the cases in camera where the advocates appearing for the parties and the parties themselves were allowed to remain present. As a culmination of the discussion that took place in camera, we are prima facie of the view that the issues require for the consideration. However, we must make it clear that in these petitions, there are several prayers, many of which we are not inclined to entertain. For example, the request is made by both the petitioners for action against not only the District Magistrate but his team, who had visited the marriage halls. We are not inclined to consider any action against any of the team members of the District Magistrate since they were merely carrying out the orders issued to them by their superior.

Even if there is any lacuna in issuing such orders or exceeding of the jurisdiction by the authority, this support staff cannot be made answerable for their actions. At the time when the entire country is facing an extremely difficult situation of managing corona virus spread, we would certainly not send signals to the foot soldiers that carrying out the orders of their superiors can expose them to inquiries.

The learned Advocate General during the discussions in the camera had clarified that he was not defending any of the actions of the District Magistrate, nevertheless, he was of the opinion that the incident as is projected in the video clips available in the social media does not bring out the correct facts and that it would not be correct to attach the blame for the unfortunate incident on the District Magistrate. However, prima facie, he did not dispute the language used by the District Magistrate during the incident which in our prima facie opinion was inappropriate, that the District Magistrate did tear away a copy of the permission granted by him for conducting the marriage ceremony when it was shown to him by one of the members of the family and that he had also used strong derogatory words against the police officials, who according to him, were liable to enforce the lockdown guidelines and curfew timings which according to him, they had deliberately failed to do in the present case. At this *ex parte* stage, however, we would refrain from making any definitive or conclusive observations with respect to the misdeeds or demeanor of either the

District Magistrate or the family members and guests present at the marriage hall.

Going by the press reports, we have noticed that the District Magistrate has made public statements on more occasions than one about the alleged incident. We would request him not to go public with respect to the said incident till further orders.

Learned Advocate General requested that publication of any news in relation to the present Court proceedings may be prevented. His apprehension is that certain quarters may deliberately sensationalize the issue. We are not inclined to issue any such general gag order. Freedom of press is a valuable fundamental right and relates to the right of the people of excess to information. Such right cannot be lightly curtailed. We, however, assure learned Advocate General of two things. One, no amount of sensationalization of the issue from any quarter would hamper our judgment and secondly, if any instance of any publication which is either contemptuous or is defamatory is brought to our notice, the same can always be dealt with on case to case basis. In any case, we expect the media to be responsible and publish the news as truthfully as the events have taken place.

Issue notice to the respondents, returnable for 05.05.2021.

Learned counsel, Ms. Ayantika Chakraborty waived notice on behalf of the official respondents in both the petitions.

‘Dasti’ service to private respondent permitted.

By way of interim measures following directions are issued:

- (i) We are of the strong prima facie view that in order to conduct an impartial fact finding inquiry regarding the incident and the role played by the D.M.; which is absolutely imperative; it would be essential that he is shifted out of Agartala. Any such inquiry would necessarily require recording of statements of witnesses. It would be difficult for many witnesses to come forward and to give truthful account of the incident if the D.M. is retained at Agartala. We would strongly request the learned Advocate General to take instructions from the Government on this aspect of the matter and revert back to the Court on the next date of hearing with necessary instructions.
- (ii) The District Magistrate shall not make any public statements in any form including to media be it electronic, print or social media in relation to the incident of the night of 26<sup>th</sup> April, 2021 and the subsequent inquiry which is pending against him.
- (iii) Until further orders, the inquiry instituted against the District Magistrate shall not proceed further.

- (iv) The District Magistrate shall also place on record any order of suspending the license of the marriage halls if he has passed after 26<sup>th</sup> of April, 2021 incident.
- (v) The petitioners as well as the learned Advocate General shall supply the information and documents as provided in the earlier part of this order.

**(S.G. CHATTOPADHYAY), J**

**(AKIL KURESHI), CJ**

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