IN THE HIGH COURT AT CALCUTTA

(Constitutional Writ Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Krishna Rao

W.P.A. No. 27989 of 2026

Abhishek Banerjee

Vs

The Union of India & Others

Mr. Shoaib Alam, Sr. Adv.
Mr. Gopal Shankar Narayan, Sr. Adv.
Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Nupun Saxena
Mr. Agnish Basu
Mr. Vipul Vedant
Mr. Aditya Roy
Mr. Shounak Mondal
Mr. Gourav Bose
Mr. B.D. Kundan Rao

....For the petitioners.

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Srijib Chakraborty
Mr. Rivu Dutta
Mr. Anjan Chakraborty

....For the State.

Mr. Dhiraj Kumar Trivedi, Ld. ASGI
Mr. Sukanta Chakraborty
Mr. Heramba Narayan Dutta
Mr. Ronit Deyashi

....For the Union of India.

Hearing Concluded On : 12.11.2026

Judgment Delivered On : 17.11.2026

Judgment Uploaded On : 17.11.2026

Krishna Rao, J.:

1. The petitioner has filed the present writ petition challenging the decision/ action of the respondent authorities wherein the "Z+" Category Security of the petitioner reduced to "X" Category with effect from 12th May, 2026. The petitioner is a sitting Member of Parliament representing the Diamond Harbour Parliamentary Constituency, State of West Bengal and is the General Secretary of the All India Trinamool Congress.

2. The petitioner was elected to the Lok Sabha from the Diamond Harbour Parliamentary Constituency in the year 2014 and has been successively re-elected in the year 2019 and 2024. In the year 2013, the petitioner was provided with "Y" category security and in the year 2014 the same was upgraded to "Y+" category security. The security of the petitioner was further upgraded to "Z" in the year 2015 and "Z+" category security in the year 2016. Till 12th May, 2026, the petitioner was enjoying "Z+" security.

3. Mr. Shoaib Alam, Learned Senior Advocate, representing the petitioner submits that the decision of scaling down the security cover of the petitioner is arbitrary, unreasonable, disproportionate and contrary to the very basis upon which the petitioner has been accorded "Z+" Category Security for more than a decade. He submits that there is nothing on record to demonstrate that immediately prior to the abrupt withdrawal of "Z+" security on 12th May, 2026, any fresh, independent, objective and comprehensive threat perception assessment was undertaken.

4. Mr. Alam submits that immediately after the withdrawal of the "Z+" Category Security of the petitioner on 30th May, 2026, when the petitioner visiting the family of the deceased, namely, Sanju Karmakar at Sonarpur, the petitioner was attacked near Kamrabad More by a mob of about 500 persons, who hurled eggs, stones, bricks, shoes and with other obnoxious items, due to which the petitioner sustained grievous injuries. He further submits that before visiting the house of the deceased Sanju Karmakar on 30th May, 2026, the petitioner has given prior intimation to the concerned authorities on 29th May, 2026, but the authorities have not taken any steps either before or after the incident.

5. Mr. Alam submits that on 19th June, 2026 when the petitioner and two other Members of Parliament returned from Delhi at NSCBI Airport, Kolkata, 25 to 30 persons led by one Uttam Das @ Tinka, armed with a pistol came to the arrival gate and attacked upon the petitioner due to

which the petitioner has sustained injury. He submits that the matter was reported to the concerned police station but no case has been initiated on the complaint of the petitioner and no action is taken against the culprits.

6. Mr. Alam submits that on 18th July, 2026 to 19th July, 2026, during the demolition time at the petitioner's primary constituency MP Office, a mob of BJP supporters led by Abhijit Das @ Bobby entered the office and vandalized and looted the party records, furniture and electronic articles. The matter was reported to the police authority on 19th July, 2026, but no action is taken by the authorities.

7. Mr. Alam submits that on 3rd September, 2026, 15 numbers of masked persons trespassed into the office of the petitioner at Camac Street and attacked with deadly weapons and the CCTV server was destroyed. The matter was also reported to the concerned authority but no action has been taken. He submits that on 26th September, 2026, the petitioner has made representations of the said incidents and requested for reinstatement of "Z+" Category Security instead of "X" Category Security but no action has been taken and in the meantime, on 26th September, 2026, the police kiosks outside the residents of the petitioner were removed.

8. Mr. Alam submits that during the pendency of the writ petition on 7th November, 2026, on the birthday of the petitioner, 30-40 BJP supporters hurled stones, eggs and bricks at AITC workers of the

petitioner and other 40-50 persons attacked the workers of the petitioner with sticks and bamboos fitted with nails. The matter was reported to the police and a case has been initiated by the police authority. He submits that time and again the petitioner has made detailed representation to the respondent authorities for providing "Z+" Category Security as time and again, the petitioner is facing attacked at several areas but the respondents failed to consider the request made by the petitioner. Mr. Alam submits that on receipt of the request of the petitioner, the Ministry of the Home Affairs by a letter dated 5th October, 2026, requested the State Government to provide adequate security to the petitioner based on local threat perception but inspite of the request of the Ministry, the respondent authorities failed to provide adequate security cover to the petitioner.

9. Mr. Alam in support of his submission has relied upon the judgment in the case of ***Rajesh Ranjan vs. Union of India & Ors.*** reported in ***2026 SCC OnLine Pat 2232*** and submits that it is settled principle of law that any order affecting rights of a person and particularly his liberty must be with reasons and must reflect due application of mind. He has further relied upon the judgment in the case of ***Naresh Agarwal vs. State of U.P. through Prin. Secy. (Home) Lko. & Ors.*** reported in ***2012 SCC OnLine ALL 264*** and submits that it is well settled proposition of law that the Government must exercise its discretion in a fair manner. The manner and hasty decision of Government to withdraw security is itself indicative of arbitrary exercise

of discretionary power. He further relied upon the judgment in the case of ***Sri Pankaj Kumar Gupta Vs. The State of West Bengal*** passed in ***WPA No. 4521 of 2023*** dated **10th April, 2023** and submits that the Coordinate Bench of this Court has directed that the security which the petitioner was enjoying before its withdrawal shall be restored back to him immediately.

10. Mr. Alam has relied upon the judgment in the case of ***S.P. Kapoor (Dr.) vs. State of Himachal Pradesh & Ors.*** reported in ***(1981) 4 SCC 716*** and submits that the Hon'ble Supreme Court has held that the post-haste manner in which these things have been done suggests that some higher-up was interested in pushing through the matter hastily.

11. *Per contra,* Mr. Billwadal Bhattacharyya, Learned A.A.G. submits that the petitioner has no right to claim "Z+" Category Security. He submits that the authorities came to know that the petitioner is the sitting Member of Parliament and is entitled to "X" Category Security but the petitioner is enjoying "Z+" Category Security though there is no threat perception and accordingly on receipt of the report from the Security Cell of the State of West Bengal, the "Z+" Category Security was reduced to "X" Category Security. He submits that on 12th May, 2026, the Joint Commissioner of Police (Security), Kolkata after the assessment of threat perception with respect to the petitioner and after considering the report of the Special Branch, requested alteration of the security cover of the petitioner from "Z+" Category Security to "X" Category Security and accordingly on receipt of the proposal, the

Director, Security West Bengal, has passed a direction for re-categorization of the security of the petitioner as "X" Category Security instead of "Z+" Category Security with effect from 12th May, 2026.

12. Mr. Bhattacharyya has submitted report and submits that on 29th May, 2026, a Review Committee Meeting for security categorization of protected persons in West Bengal was held and accordingly in the meeting, it was held that the petitioner should be provided with "X" Category Security. He submits that the Members of Parliament are entitled to have "X" Category Security and accordingly, the same was provided to the petitioner.

13. Mr. Bhattacharyya submits that immediately on receipt of communication from the Ministry of Home Affairs, the same was forwarded to the Kolkata Police authorities for necessary operational review and field level threat assessment. After enquiry by the Kolkata Police, it was found that no specific or actionable threat input was received from Kolkata Police warranting an upward re-categorization of the petitioner's security from "X" Category to Z+ Category Security. He submits that "X" Category Security cover was provided to the petitioner strictly in compliance with the guidelines laid down in the Yellow Book.

14. Mr. Bhattacharyya has relied upon the judgment in the case of ***Shri Ashwini Kumar Chopra vs. Union of India & Ors.*** reported in ***2010 SCC OnLine Del 4470*** and submits that the Hon'ble Division Bench of the Delhi High Court held that security cover or its upgradation are

matters essentially in the domain of the concerned agencies and this is not a matter in which the court would interfere.

15. Mr. Bhattacharyya has relied upon the judgment in the case of ***Ravi Kumar Rai & Ors. vs. Union of India & Ors.*** passed in ***W.P.(C) 8194 of 2021*** dated ***11th August, 2021*** by the Delhi High Court and submits that it is not for the Court to in the exercise of its power of judicial review sit in appeal over such decision, whether there is a perception of threat, has to be considered by the authorities.

16. Mr. Dhiraj Trivedi, Learned ASGI representing the Union of India, submits that to provide the security to the Member of Parliament of the concerned State is the duty of State Government. He submits that though the petitioner was enjoying the "Z+" Category Security since the year 2014 and when the authorities finds that "Z+" Category Security is not required for the petitioner, accordingly, the State Government reviewed the same and provided "X" Category Security to the petitioner. He submits that on receipt of the representation of the petitioner, the Ministry of Home Affairs requested the State Government to consider the request of the petitioner but the Ministry has not recommend to grant "Z+" Category Security to the petitioner. It is the duty of the State Government to consider with regard to provide security and accordingly, the State Government has convened a Review Meeting and finds that there is no threat perception against the petitioner and was granted "X" Category Security.

17. Heard the Learned Counsel for the respective parties, perused the materials on record and the judgments relied by the parties. The petitioner being the Member of the Parliament was enjoying "Z+" Category Security. On 12th May, 2026, the Joint Commissioner of Police, Security, Kolkata, informed the Director Security, Kolkata that an assessment of threat with respect to the petitioner was made into locally by the Special Branch and found that there is no input indicating any specific threat to the subject from any outfit/ organization/ person against the petitioner and requested for alteration of the security cover from "Z+" Category Security. On receipt of the said proposal, the Director Security has re-categorized the security of the petitioner as "X" Category Security with immediate effect as an interim measure and requested the authorities to review the threat perception.

18. From the communication of the Joint Commissioner of Police, Security, Kolkata dated 12th May, 2026 and the communication of Director Security dated 12th May, 2026, it reveals that only on the basis of the proposal of the Joint Commissioner of Police, Security, Kolkata, the Director Security has re-categorized the security of the petitioner as "X" Category Security in place of "Z+" Category Security. Admittedly, at the time of the re-categorization of the security category of the petitioner dated 12th May, 2026, no meeting of the Review Committee for security re-categorization was held. Though the Learned AAG has submitted report before this Court but in the report, there is no document disclosed to show what are the reports considered by the Joint

Commissioner of Police, Security, Kolkata, for alteration of the security cover of the petitioner from “Z+” Category Security to “X” Category Security. The Director Security on the proposal of the Joint Commissioner of Police, Security, has re-categorized the security category of the petitioner from “Z+” Category Security to “X” Category Security.

19. After the re-categorization of the security category of the petitioner from “Z+” Category Security to “X” Category Security, several incidents were occurred since 30th May, 2026 till 7th November, 2026. The State Authorities have not denied with regard to the said incident. The Review Committee meeting was held for security categorization of protected persons in the State of West Bengal on 29th May, 2026. By that time, the Director-cum-Security has already altered the security category of the petitioner from “Z+” Category Security to “X” Category Security and in the meeting, the same was confirmed.

20. After the re-categorization of the security of the petitioner and after the Review Committee meeting for security, several incidents were occurred with the petitioner. The report submitted by the State Authority, reveals that a high level Review Committee comprising representative from the Special Branch (SB), the Subsidiary Intelligence Bureau (SIB), the Home and Hill Affairs Department and the Police Administration are mandated to undertake such evaluation at least once in every six (6) months.

21. Whenever the incident was occurred to the petitioner, the same was reported to the police authority. Out of six (6) incidents, in two (2) incidents, the police has initiated a case and the cases are under investigation. The report submitted by the State does not reveals that after receipt of the complaint of the petitioner and the representation made by the petitioner for upgradation of the security cover from "X" Category Security to "Z+" Category Security, the authority has taken any steps to consider the request of the petitioner.

22. It is settled position of law that it is not for the court to exercise of its power of judicial review by sitting in appeal over the decision of the authority, whether there is a perception of threat or not. In the present case, re-categorization of the security of the petitioner was held on 12th May, 2026, which was confirmed by the Review Committee in its meeting held that 29th May, 2026. The incident which was occurred to petitioner after 29th May, 2026. The State Authorities have not submitted any report with regard to the said incidents. The authorities have also not denied about the said incidents.

23. Admittedly, the petitioner has informed all the incidents to the concerned authorities and the petitioner was also requested for enhancement of his security from "X" Category Security to "Z+" Category Security. Thus, this Court is of the view that the authority should conduct a Review Meeting for consideration of the request of the petitioner whether the security cover of the petitioner is required to be

enhanced or not by taking into consideration of the incidents which the petitioner has reported to the authorities.

24. In view of the above, the writ petition being WPA No. 27989 of 2026 is disposed of by directing the Principal Secretary, Home and Hill Affairs Department, Government of West Bengal, to convey the Review Committee meeting for re-categorization of the security of the petitioner within a period of two (2) weeks from the date of receipt of the order. It is made clear that at the time of considering the re-categorization of the security of the petitioner, the incidents which the petitioner has informed the authorities from 30th May, 2026 to 7th November, 2026 shall also be taken into consideration and to pass an appropriate order in accordance with law.

25. **WPA No. 27989 of 2026** is **disposed of**.

Parties shall be entitled to act on the basis of a server copy of the Judgment placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)