

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) No.665 of 2023

**Sri Tarun Chakma**

**....Petitioner(s)**

**Versus**

**The State of Tripura and 27 Ors.**

**....Respondent(s)**

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For the Petitioner(s)	:	Mr. S. Kar Bhowmik, Sr. Advocate Mr. E.L. Darlong, Advocate Mr. S. Bal, Advocate Ms. P. Das, Advocate
For the Respondent(s)	:	Mr. S. S. Dey, Advocate General Ms. A. Chakraborty, Advocate

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**HON'BLE MR. JUSTICE ARINDAM LODH**

**Order**

**17/10/2023**

Heard Mr. S. Kar Bhowmik, learned senior counsel assisted by Mr. E.L. Darlong, Mr. S. Bal and Ms. P. Das, learned counsel appearing for the petitioner. Also heard Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents-State.

By means of filing the instant writ petition, the petitioner has complained that the organizations namely, 'Uttar Andharcharra Chakma Samajik Bichar Committee' and 'Kanchancherra Chakma Samajik Adam Panchayet' and related members of Bichar Committees have castigated the petitioner as anti-social and outcasted him from the Chakma community amounting to serious religious persecution since the petitioner embraced Christianity on 04.11.2022.

A show-cause notice was issued upon the petitioner as to why he professed Christianity. Thereafter, through some proceedings, the Bichar

Committee of the aforesaid organizations had passed an order declaring him as anti-social and outcasted him and deprived him of socializing, mixing and interacting with the members of Chakma community. There was public campaign against the petitioner warning the members of the Chakma community to isolate him along with the members of his family. The Bichar Committees of those organizations further warned not to cooperate with the petitioner in any manner whatsoever. The petitioner is an auto-driver and it was warned that no members of the Chakma community would board/use his auto-rickshaw for transportation.

Mr. Dey, learned Advocate General appearing for respondents-State has submitted that the Officer-In-Charge of Pecharthal Police Station and the State Administration have come to know about this fact and have stepped into action to normalize the situation and to mitigate the matter. Mr. Dey, learned Advocate General has also submitted that two meetings were held between the members of Christian and Buddhist community and at present the situation is under control.

According to Mr. Kar Bhowmik, learned senior counsel for the petitioners, the respondents no.8 to 28 have taken an active role to commit all those illegal activities which are against the ethos of Constitution as well as the Chakma Customary Laws Code, 1997 as promulgated by the State of Mizoram and being ordinarily followed by the members of the Chakma community in the State of Tripura.

*Prima facie*, I find serious illegalities and unconstitutional activities on the part of respondents no.8 to 28. They are violating the Indian Constitution. They are trying to infringe fundamental rights of the citizens of India.

The members of Chakma community, particularly, the respondents no.8 to 28 must keep in mind that India is a secular country and

everybody has the fundamental right to preach, profess and choose his own religion. Nobody can invade into such right of a citizen.

In view of this, I direct the respondents no.8 to 28 to restrain from committing such illegal and unconstitutional activities against any member of their community and to respect the Indian Constitution.

The notices and the impugned orders of religious persecution and outcast of the petitioner as passed by the respondents no.8 and 9 shall remain stayed until further order.

The respondents no.1 to 7 are directed to take stern action against those Samajpatis or self-styled headman and the members of Chakma community who indulge themselves in such unconstitutional activities. The State Administration is also directed to take action against any of the members of any communities to protect the spirit and ethos of Indian Constitution. The State Administration would not hesitate to arrest any of the members of any community who indulge in unlawful activities and the offenders of violation of the provisions of Indian Constitution.

The State Administration is requested to submit an action-taken report through affidavit.

Issue notice calling upon the respondents to show cause as to why a rule should not be issued as prayed for; and/or as to why such further order or other orders should not be passed as to this court may seem fit and proper.

Notice is made returnable on **29.11.2023**.

Since Ms. A. Chakraborty, learned counsel appears and accepts notice on behalf of respondents no.1 to 7, issuance of formal notice is waived.

The petitioner shall take steps for causing service of notice upon the remaining respondents by registered post with A/D within 3(three) days.

List the matter on **29.11.2023**.

**JUDGE**

*Snigdha*

SANJAY GHOSH

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