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February 19,
2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 5152 of 2021

**Indian Secular Front represented
by Kausar Ali Mullick
Versus
The State of West Bengal and others**

Mr. Srijib Chakraborty,
Mr. Syed Nurul Arefin,
Mr. Rahul Singh.

...for the petitioner.

Mr. Md. T.M. Siddiqui,
Mr. Md. S.S. Siddiqui.

...for the State-respondents.

The present writ petition has been filed on an urgent basis against refusal by the police of permission to the petitioner to hold a programme at the Chinar Park Crossing Service Road.

Learned counsel for the petitioner, by placing reliance on the said rejection order dated February 18, 2021, annexed to the supplementary affidavit, submits that no valid reason was given for such refusal.

Learned counsel for the petitioner, by placing reliance on the next annexure to the supplementary affidavit, submits that for the same venue, a mass

procession has been advertised to be held on February 21, 2021 at 3.00 p.m. under the leadership of a member of the ruling party. This, it is contended, is a patent violation of Article 14 of the Constitution of India.

Learned counsel further argues that a competent police officer assured the petitioner, as averred in the writ petition, that the petitioner shall get written permission for holding their gathering at Chinar Park. However, when the petitioner approached the authorities, such refusal order was handed over today, at the eleventh hour.

Learned counsel appearing for the State-respondents, on instructions, submits that the police authorities have never given permission to any political association to hold a gathering at the location sought for by the petitioner. It is further argued, also on instructions, that the said area is a busy thoroughfare and there will be serious traffic congestion in the event the gathering is held. It is contended, additionally, that the land-in-question belongs to HIDCO authorities, whose approval has not been taken by the petitioner for holding such rally.

Since, in view of the implicit urgency involved, direction for filing affidavits would render

the writ petition infructuous, an option was given to the learned counsel for the petitioner to hear the matter without looking into the controverted allegations made on oath in the writ petition, for the purpose of disposal of the writ petition during the course of the day. Such option was accepted by learned counsel for the petitioner.

It appears from the order of refusal, annexed to the supplementary affidavit, that the reasons given therein were sufficient for the police to refuse permission to an association to hold a mass gathering of considerable proportions in a busy thoroughfare.

The location sought by the petitioner, as stated in the refusal, is very congested and busy from the traffic point of view. Frequent movement of ambulances and other emergency vehicles takes place in the said area, which would be hindered in the event of any congestion due to the proposed gathering. It has further been recorded in the order of refusal that the route connects to VIP road and there is frequent movement of different categories of security protectees along with this route. That apart, it was well within the authority of the police to refuse permission on cogent grounds.

Since sufficient grounds have been disclosed in the order of refusal, there is no scope of interference in the present writ petition.

However, it is made clear that this order will not preclude the petitioner from seeking to hold a gathering in accordance with law in future, at some other area, subject to consent of the police and other relevant authorities.

Accordingly, WPA 5152 of 2021 is dismissed without any order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)