

WPA 27212 of 2022

Socialist Unity Centre of India (Communist) & anr.

-vs-

The State of West Bengal & ors.

Mr. Debashis Banerjee

Mr. Kartick Kumar Ray

...for the petitioners

Mr. Samrat Sen, Ld. AAAG

Ms. Manali Ali

...for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to permit the petitioner political party and its members and supporters to hold a meeting on December 14, 2022 from 3 P.M. till 5.30 PM to celebrate the centenary celebration of its late leader Sibdas Ghosh.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is a registered political party and the petitioner no.2 is the State Secretary Member of the said political party. The members of the petitioner party applied to the Officer-in-Charge of the Maipith Coastal Police Station on 14.10.2022 for granting permission to hold a peaceful meeting to commemorate the occasion of the November Revolution Day on 16.11.2022 near the market of Maipith- Nagenabad. But, no permission was given. After being denied such permission, the members personally met the SDPO, Baruipur and requested him to

grant permission to hold the meeting. The SDPO then requested the members to postpone the meeting. The members agreed to such proposal and publicly announced that the meeting would be held on 26.11.2022. However, since no permission was given by the police authority, another representation had to be given on November 22, 2022. Even then no permission was granted. Since August 5, 2022, the petitioner political party commenced the centenary celebration of its late leader Sibdas Ghosh all over West Bengal. They decided to organize a meeting to celebrate the centenary celebration of its great leader Sibdas Ghosh on December 14, 2022. Accordingly, the petitioner political party submitted a written prayer before the Officer-in-Charge of the Police Station on 25.11.2022 for granting permission. Despite this, till date the respondent authorities have not granted any permission to hold the said meeting/ rally. There is no reason for the respondent authorities to deny them the right to hold a gathering at that place. This has prompted them to approach this Court.

Learned senior counsel for the State submits as follows. In 2020, at the same place where the petitioners intend to hold the gathering, a skirmish took place between the supporters of two political parties. Several persons were injured. One leader of the other political party was allegedly murdered by the supporters of the petitioner party. Over this, a case was registered. In fact, several other FIRs were registered in connection with the incidents which have

resulted in charge-sheets. At about, the same place where the gathering was proposed to be held, there is plaque of commemoration in respect of the leader who had been allegedly murdered at the spot. Moreover, the family of the deceased was also stay nearby. The State is not here to deny the petitioner its right to hold a political meeting/rally. However, they need to suggest alternative venues which would not be near either to the commemoration plaque or to the residence of the family of the deceased.

A report filed on behalf of the State is taken on record.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

A political party has an undeniable right to hold a political meeting or rally. However, such right is subject to reasonable restrictions.

In view of the fact that a few years ago, serious incidents took place near the venue proposed involving supporters of rival political parties, one needs to be circumspect in allowing the petitioner to hold the meeting or rally.

In view of the above, the petitioners are directed to suggest three alternative venues for holding such meeting/rally near the said Maipith Nagenabad Market, which will nevertheless be at least 200 meters away from the plaque of commemoration in respect of the deceased leader of the other party and similar distance away from the residence of the family of the said deceased. The petitioners

would suggest three alternative venues to the Officer-in-Charge of Maipith Coastal Police Station by 6 PM today. The Officer-in-Charge of Maipith Coastal Police Station thereafter shall chose one of such venues and grant permission to the petitioners to hold the meeting or rally tomorrow at such venue between 2 PM to 5 PM, which appears to be a more acceptable and comfortable time span.

However, the petitioners and the respondents shall ensure that no untoward incident takes place during the meeting/rally at the proposed venue.

The Officer in Charge of the said Police Station shall make adequate police deployment during the meeting/rally to ensure that no untoward incident takes place and also to see the participants as well as the local people are not harassed.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy of this order, duly downloaded from the official website of this Court and the petitioner shall be at liberty to communicate a gist of this order.

(Jay Sengupta, J.)