

12.05.2023
Court No.13
Supplementary
List Item No.1
AP

WPA 11702 of 2023

**Sudam Pandit
Vs.
The State of West Bengal and Ors.**

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Ms. Radhika Agarwal

... For the Petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

... For the State.

1. The petitioner wishes to hold a public rally on 14th May, 2023 from Matirampur Petrol Pump to Bangurchak Mor via Daitala Bazar under the jurisdiction of Patashpur Police Station.

2. Counsel for the State submits that a communication was made by the Patashpur Police Station to the petitioner notwithstanding short notice of receipt of application. It was notified that the permission to hold rally cannot be given. The reason for the same was that the area is congested and communally sensitive. There are two hospitals and a fire service station located in that area.

3. This Court is of the view that a peaceful demonstration without obstructing the aforesaid essential services should be permitted. The congestion may not be an issue since it is a Sunday. The petitioner may, therefore, hold the demonstration in the aforesaid route

in a peaceful and orderly manner on 14th May, 2023 between 2 pm to 6 pm.

4. The petitioner shall ensure that the two hospitals and a fire service station located in the route of the rally are not even remotely obstructed. Public inconvenience should not be caused.

5. The police may deploy appropriate security measures as may be necessary. In addition, there may be deployment by the CRPF, if required.

6. They shall avoid any provocative speeches.

7. Mr. Rajdeep Mazumder appearing for the petitioner submits that a two week notice for any rally or protest may be too long and may frustrate a special issue for which a protest or rally may be made.

8. He prays that the notice period should be reduced to seven days. The issue may be appropriately addressed by the police. The matter may be considered appropriately in a given situation by this Court.

9. Mr. Sirsanya Bandopadhyay appearing for the State opposes the submission of Mr. Mazumder.

10. With the aforesaid directions, the writ petition shall stand disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)