

09 16.08.2023
NB Ct. 14

WPA 19485 of 2023

Nikhil Bango Parswasikshak Samity & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed,
Ms. Gulsanwara Pervin.
...for the petitioners.

Mr. Akash Dutta.
...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to grant permission to the petitioners in terms of a letter dated 30.07.2023 to hold “Dharna” near Kolkata Municipal Corporation on any alternative dates.

Report filed by the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is an organisation, which works for the welfare of the para teachers and other similarly situated teachers and the petitioner no.2 is the secretary of the petitioner no.1. On 18.07.2023, with a view to demonstrate in respect of a few reasonable demands like entitlement to service benefits, regularisation of service, etc. The Organisation wrote a letter to the Joint Commissioner of Police. Even after expiry of the reasonable period, the said communication was not responded to in violation of the earlier direction passed by this Court in a writ petition. On 30.07.2023, the petitioners submitted the prescribed form to organise peaceful demonstration near the Kolkata Municipal Corporation. However, the request was

not allowed. In the meantime, the petitioners have explored the possibility of finding an alternative venue so as not to cause disturbances to the commuters. They prayed that the police may allow them to organise such protest on 17th, 18th, and 19th August, 2023 at the Subodh Mallick Square.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On 17th August, 2023, it will be difficult to make adequate police arrangements for any demonstration at such a place owing to the visit of Hon'ble President of India. However, on 18th and 19th August, 2023, if the main demonstration is done inside the Subodh Mallick Square with a few persons remaining outside on the adjoining footpath, the State would be in a position to provide adequate police arrangements. Afterall, the road is quite congested and busy. The demonstration may be conducted between 10am and 5pm. on 18th and 19th August, 2023 subject to permission be given by the Kolkata Municipal Corporation in this regard.

At this stage, learned counsel for the petitioners submits that they would seek permission to organise a protest with about 50 people there on the footpath in front of Subodh Mallick Square while there would be other demonstrators inside the Subodh Mallick Square.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

The petitioners have a legitimate right to vent their grievances. The petitioners also want that they may be seen and heard. However, finding an appropriate place without

disturbing the daily commuters and other individuals is the most important issue.

Therefore, let the petitioners organise a peaceful demonstration at the Subodh Mallick Square in respect of their demands on 18th and 19th August, 2023. If any stage is to be constructed, the same may be done inside the Subodh Mallick Square while some of the protestors, not exceeding 50 at a particular point of time, may remain on the footpath in front of the said Subodh Mallick Square. This shall also be subject to the rent paid to the Kolkata Municipal Corporation.

The protestors shall maintain the requirements of the relevant laws including on the question of sound pollution. They shall also clean up the area after the demonstration is over.

The police authorities shall make appropriate arrangements to provide security and ensure that no harassment is caused to the passersby and the local residents.

With these observations, the writ petition is disposed of without any costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)