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WPA 27515 of 2023

Bhagwanpur Sarbajanin Chandrayan –O- Surjayan
Matrishakti Sharad Utsab Trust.

-vs-

The State of West Bengal & ors.

Mr. Pratip Kumar Chatterjee
Mr. Goutam Achariya
Mr. Kuntal Rau
...for the petitioner

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is to hold a “Rash Utsav” on a land under the jurisdiction of Bhagwanpur Police Station. Necessary permissions have already been obtained from the land owner and from the concerned BL & LRO. When the local police station was approached, first they refused to accept service of notice. It had to be given through post, but in vain.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police authority is

not the permitting authority. It is only a concern of the Civil Administration.

Any reference to the holding of Durga Puja and the permission required for the same, may not be relevant in the present case. Because a specific norm was set for such purpose.

However, for a meeting or rally or even a fair to be held on a land in a village, a “no objection” from the police authorities would be necessary. Because they are the ones who look after the law and order situation and the feasibility of holding such fair vis-à-vis’ the upkeep of law and order.

Therefore, even if the police authorities are not the permitting authority as per their own version, they shall nevertheless issue a ‘no objection’ to the holding of fair subject to reasonable conditions. The same shall be done by 10.12.2023.

However, it is clarified that the organizers i.e. the petitioner shall take necessary permissions from the Fire Department and the like, whichever is applicable. It is further clarified that no foul language shall be used in any gathering. Nor shall there be any inciting of violence. Use of musical instruments shall also be within permissible decibel limits and the stipulation of time.

The petitioner shall provide the names of at least four to five organizers who could be contacted or be responsible for conducting the fair.

With these observations, the writ petition is disposed

of.

The parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)