

28.02.2024
Sl. No. 16
Suman
Ct.No.238.

WPA 5542 of 2024

Lawyers for Justice
Vs.
The State of West Bengal and Ors.

Mr. Tarunjyoti Tewari
Mr. Madhu Jana
..for the petitioner

Mr. Kishore Datta, Ld. Advocate General
Mr. Biswabrata Basu Mallick
Mr. Debangshu Dinda
..for the State

The petitioner describes itself as a registered trust. It is the grievance of the petitioner that a team of its associates endeavoured to visit certain areas under Sandeshkhali Police Station, North 24-Parganas, on February 25, 2024. However, en route, they were intercepted by the police personnel of Bhojher Hat Police Station. Subsequently, all team members were taken to Lal Bazar where they were detained for several hours before being released.

Mr. Tarunjyoti Tewari, the learned advocate representing the petitioner, contends that the team's objective is to visit locations in Sandeshkhali where no prohibitory orders under Section 144 of the Code of Criminal Procedure have been imposed by the local administration. He clarifies that their intention is

solely to visit Majher Para, Natun Para, and Naskar Para Ras Temple in Sandeshkhali.

Mr. Kishore Datta, the learned Advocate General, argues that although there are no restrictions under Section 144 of the Code of Criminal Procedure, 1973, in relation to the aforementioned three places, the team will have to traverse areas such as Dhamkhali River Ghat, Patra Para, and others where an order under Section 144 of the Code of Criminal Procedure, 1973, has been enforced.

Having regard to the fact that said team intends to visit the areas where an order under Section 144 is not in operation, there cannot be any justification to prevent them from visiting the said areas merely because, on their way, they may have to pass through areas under the prohibitory orders. Their right to visit these areas emanates directly from Article 19 of the Constitution of India.

This writ petition being **WPA 5542 of 2024** is disposed of by permitting the six persons as described in paragraph 3 of the writ petition to visit the following areas on March 3, 2024.

- (i) Majher Para (Sandeshkhali)
- (ii) Natun Para (Sandeshkhali)
- (iii) Naskar Para Ras Temple (Sandeshkhali)

The petitioner, within 24 hours from this date, shall submit the proposed plan of visit along with the route map before the Sandeshkhali Police Station.

The petitioner shall also file an undertaking before the police station not to engage in any activities that may lead to deterioration of the law and order situation in the locality.

The State may deploy required number of security personnel to ensure that no untoward incident takes place during their visit.

With the aforesaid directions, **WPA 5542 of 2024** is disposed of.

(Kausik Chanda, J.)