

April 15, 2024
AD 18
Ct. No.14
SG

WPA 9921 of 2024

Rafikul Mandal and others
vs.
The State of West Bengal and others

Mr. Nepesh Majhi
Mr. Hemanta Kumar Das
... for the petitioners.

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

Learned counsel appearing for the petitioners submits as follows. The petitioners intend to organise a religious and cultural programme and wanted necessary police permission for the same. They filed an application for holding “Jalsa” on 24.04.2024 between 8 am to 5 pm at a huge open field by the side of a brick kiln at Khabrapota village under Gopalnagar Police Station in North 24 Parganas. However, such permission was not granted, presumably, as the main speaker was not a follower of the ruling political dispensation. The field can accommodate at least 5000 people.

Learned senior counsel representing the State relies on the report filed earlier and submits that an enquiry was done about such “Jalsa.” The place is clearly not sufficient to accommodate 3000 – 4000 people, far less 5000 people. The place can only accommodate about 1000-1200 people. There is no other alternative pathway for the locals if the entire field is blocked.

The petitioners claim that the place can accommodate about 5000 people while the State pegs it at 1000-1200. They

have chosen not to file an exception to the report filed by the State.

However, it appears that if the number of participants is reduced, a religious programme like a “Jalsha” can be held at the venue.

Let the “Jalsha” be held on April 24, 2024 at the place in question between 8 am to 5 pm, subject to the following conditions:

- (1) The number of participants shall not exceed about 2000.
- (2) The organisers shall nominate two persons who shall be held responsible for conducting the programme.
- (3) None of the participants shall use any foul language or incite any kind of violence.
- (4) The organisers shall abide by the pollution norms including sound limits.
- (5) As the model code of conduct for the elections is already in operation, the same shall not be violated.

On their part, the police authorities shall maintain peace, deploy adequate number of armed police personnel and ensure that no harm ensues to the participants as well as the residents and the passers-by.

With these observations, the writ petition is disposed of.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

