

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 10591 of 2024

***Maharaj Swami Pradiptananda, Secretary,
Bharat Seva Ashram Sangha, Aurangabad
vs.***

The State of West Bengal and others

For the petitioner : Mr. Billwadal Bhattacharyya
Mr. Anish Kumar Mukherjee
Mr. Suryaneel Das
Mr. Chiranjit Pal

.....Advocates

For the State : Mr. Kishore Dutta, Id. AG
Mr. Amitesh Banerjee
Mr. Amal Kumar Sen
Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
Mr. Lal Ratan Basu

.....Advocates

For the Union of India. : Mr. Tirthapati Acharyya

.....Advocate

Heard lastly on : 12.04.2024

Judgment on : 12.04.2024

Jay Sengupta, J:

This is an application for permission to hold a cultural procession at Murshidabad on April 14, 2024.

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is a Sanyasi associated with the order of Sanyasis popularly known as the “Bharat Seva Ashram Sangha.” He is also the Secretary of the said Bharat Seva Ashram Sangha, Aurangabad, Murshidabad. The Bharat Seva Ashram Sangha organises “Sri Sri Basanti Puja Sanskriti Sanmela” and “Pranabananda Mela”. They intend to organise it this year from April 14, 2024 to April 18, 2024. On this occasion, a colourful cultural procession would be taken out through the main road of Aurangabad, Jagtai, Nimtita, etc. starting from the Bharat Seva Ashram Sangha at Aurangabad, Murshidabad from 3 pm on April 14, 2024. It would be attended by around 5000 men and women. The programme will also be attended by students from 12 schools in Murshidabad, which are run by the Sangha. The students of the schools include those coming from minority and tribal communities as well. Similar events have been organised by the organisation for the last 20 years. Permissions have always been granted. This time too, the organisers prayed for necessary permission, but the same was denied by the respondent authorities.

Learned Advocate General representing the State relies on the report and submits as follows. It is true that such procession has been organised for last so many years. However, in the two preceding years some communal incidents had taken place. In fact, on the last year Suti PS Case No.150 dated 27.03.2023 had to be registered in this regard. There is some

tension in the area, particularly at one 'Netaji More' which may best be avoided. Otherwise, the State does not have any reservation in allowing the procession to take place.

Learned counsel for the petitioner disputes the submissions of learned senior counsel for the State that there is any communal tension prevailing in the area, especially at the 'Netaji More'. So far as the petitioner's procession is concerned, even in the last year no untoward incident happened.

The organisation has every right to take out a procession and exercise their right of expression and right to practice religion, albeit subject to reasonable restrictions.

It appears that the petitioner has been conducting such programmes and processions for so many years. It is alleged by the State that only in the last two years certain untoward incidents happened. If any miscreant tries to cause any hindrance to regular activities like taking out a procession that is being taken out for the last 20 years, one need not stop conducting such activity. Instead, necessary precautions should be taken to avoid any misdeed or mishap.

If the State is of the view that some incidents might be fueled in the area, they shall seek the assistance of their intelligence unit and from beforehand take adequate precautions and preventive measures.

It appears that the procession would consist of students from 12 schools some of whom even belong to other communities.

Therefore, there is no justifiable reason to make any alteration to the programme to be undertaken by the organisers. The procession shall be held on April 14, 2024 between 3 pm to 6 pm.

However, the organizers shall limit the number of participants to about 3000. They shall also name two persons who shall be held responsible for conducting the procession.

The participants in the procession shall abide by all the applicable norms of pollution, including those concerning sound pollution.

The police authorities, on their part, shall deploy adequate number of armed police personnel to ensure that no harm is done to the participants as also to the residents and passers-by and if necessary, the police shall take the help of the central paramilitary forces.

The police shall also videograph the procession from the front and also from the immediate tail of the procession.

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.)