

16.04.2024
Sl. No.21
g.b.
Court No.14

W.P.A. 10741 of 2024

Ram Navami Utsav Udhyapan Samity & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Amitesh Chakraborty
Mr. Amlan Biswas
... for the petitioners
Mr. Amitesh Banerjee
Mr. Tarak Karan
.....For the State

Learned counsel for the petitioners submits as follows. The petitioner no.1 is a Ram Navami Utsav Udhyapan Samity being represented by its Secretary. The petitioners want to organize a religious procession on 17.04.2024 on a route of about 5 kilometers starting from Chandpur Panchanantala at 4.00 p.m. and ending at Arbilia Mandir at 6.00 p.m. There are temples at the beginning and at the end of the route, where Puja would be performed. Sound system will be used for Bhajan, Kirtan and the participants shall abide by the permissible sound limits. There will be about 200 participants in the procession. An application for permission was made before the police authority on 08.04.2024, but such permission was not granted.

Learned senior standing counsel representing the State submits as follows. The petitioners are doing this procession for the first time. There is another organization which takes out such procession and permission has been given to them. They are taking a route which is not sensitive at all. However, in a little portion of the present route, some area could be termed as sensitive.

Every citizen has a right to express himself and to practice his religion, albeit, subject to reasonable restrictions.

It appears that the petitioners want to start from a place where there are existing temples and end the procession at a place near a playground where they intend to perform puja. Much of the route is quite wide. There is apparently no history of offences being committed on the occasion of similar events.

In view of the above, let the petitioners be permitted to take out the procession on the occasion of Ram Navami celebrations, on 17.04.2024 between 3 p.m. and 5 p.m., however, subject to the following conditions:

- (a) At any point of time, the total number of participants shall not exceed a number of about 150. In order to ensure that the number of participants is limited to 150, the petitioners shall make necessary announcements, if required.
- (b) The organisers shall nominate 2 persons from amongst themselves who shall be held responsible for conducting the procession.
- (c) No vehicles shall be permitted in the said procession except for the one, which may carry a tableau and the idol of Lord Rama.
- (d) The participants shall not carry or brandish any arms or weapons.
- (e) The participants and the organisers shall not use any foul language or incite violence.
- (f) Since the model code of conduct for the Elections is now in operation, the participants shall abide by the same.
- (g) The participants shall also abide by relevant pollution norms including sound norms. Only normal sound system should be used. No

disc jockey shall be allowed in the said procession.

- (h) The participants in the procession shall not halt or pause at any place and would continue to gradually proceed towards their final destination.

The police authorities, on their part, shall ensure that they deploy adequate number of armed personnel to ensure peace and to see that no harm ensues either to the participants or to the residents and the passers-by.

With these observations, the writ petition is disposed of.

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

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

(Jay Sengupta, J.)