

DL-35

17.05.2024
Court No.14
(AD)

WPA 14361 of 2024

Shrijeeb Biswas
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Ranjan Bhattacharya
Ms. Gulsanwara Pervin
Ms. Saloni Bhattacharyya
Mr. Enamul Islam
... for the petitioner

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Mr. Akash Dutta
... for the State.

Mr. Anuran Samanta
... for the ECI.

1. Report filed on behalf of the State is taken on record.
2. Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner wants to organize a political rally in respect of the upcoming Lok Sabha Election at the entrance of Harish Chatterjee Street. However, there is an order promulgated under Section 144 of the Code for a period of 60 days preventing more than five persons from gathering there. But, in spite of this order, the ruling political dispensation has been allowed to hold rallies there.
3. Learned Senior Standing Counsel representing the

State relies upon a report submits as follows. The area where the petitioner wants to hold the rally cannot accommodate 300 to 400 participants that the petitioner wants to have at the rally. It will create severe congestion in the area and an alternative place can be suggested for the rally, which is on the opposite side of the main road and inside the gate constructed on the road named “Tarun Gate”.

4. Learned Counsel appearing on behalf of the Election Commission submits that Election Commission has no direct role to play in granting permission for political rallies.
5. In view of the above, let the petitioner be at liberty to hold such political rally at the place suggested on behalf of the State. For such purpose, they shall intimate the local police authorities by tomorrow about the rally that will be held on Monday, i.e., on 20.05.2024 at 6.30 p.m.
6. Let the permission be granted on usual conditions.
7. The petitioner shall maintain all norms regarding pollution including sound pollution.
8. The participants shall clean the area after completion of the programme.
9. No use of foul language or incitement of violence shall be done by any of the participants in the rally.

10. With these observations, the writ petition stands disposed of.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)