

28.05.2024
SI No.25
Court No.5
(rpan/gc)

WPA 14872 of 2024

**Sangrami Joutha Mancha & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Soumya Majumder,
Mr. Bikram Banerjee,
Mr. Sudipta Dasgupta,
Ms. Sagarika Goswami,
Mr. Saikat Sutradhar,
Mr. Sagar Dey,
Mr. Sutirtha Nayek
...for the Writ Petitioners.
Mr. K.J. Yusuf, Ld. A.G.P.,
Mr. Parikshit Goswami
...for the State Respondents.
Mr. Anuran Samanta
...for the Respondents Nos.2 & 3.
Ms. Sonal Sinha,
Ms. Shabnam Farooqui
...for the Respondents Nos.4 & 5.

1. Affidavit-of-service and supplementary affidavit filed by the petitioners in Court today are taken on record.
2. The writ petitioner no.1/association and its convenor are the writ petitioners in this case, who are aggrieved that the writ petitioner no.1 has not been granted permission to stage a demonstration and rally which is non-political in nature, scheduled to be held on May 29, 2024 from 11.00 hours to 17.00 hours. The rally has been scheduled to be held from outside the Pandaveswar Railway Station to Fulbagan

Durga Mandir. An assembly of around 2000 people is expected, including loud speakers, placards, Tata Ace Vehicles and Toto Rickshaws.

3. Mr. Majumder, learned Advocate appearing for the writ petitioners has submitted that the writ petitioners have been earlier advised to come through SUVIDHA Portal of the Election Commission of India which is, however, would not be applicable in their case as the same would cater the request on behalf of the political parties/candidates, only.
4. Mr. Majumder has relied on the documents annexed to the supplementary affidavit filed by the writ petitioners, that is, the letter of the Officer-in-Charge, Pandaveswar Police Station dated May 25, 2024 proposing postponement of the date of rally and demonstration, the ground being that a large number of officer and force are presently engaged to perform election duty at the poll bound Police Stations in different districts and the district authorities would not be able to deploy adequate number of police, to maintain law and order in a large gathering

of about two thousand people, as proposed by the writ petitioners.

5. Mr. Yusuf, learned Advocate appearing for the State respondents has submitted emphatically that maintaining law and order in such rally and gathering of a large number of people would be paramount and the district police would not be equipped with adequate number of police force in view of the ongoing election process when the force has been mobilized from the district to other districts which are poll bound as of now.
6. Mr. Samanta, learned Advocate appears on behalf of the Election Commission of India. Regarding SUVIDHA Portal, he has submitted that the same is meant for the purpose of political parties and candidates.
7. It appears that the writ petitioner no.1/ association and the writ petitioner no.2, the office bearer of the said association are seeking permission for demonstration and rally which is apolitical in nature. It is with regard to some service benefits regarding which the petitioners say that the members thereof have been agitating since long. Considering that, the Court is

of the obvious opinion that the SUVIDHA Portal may not cater the necessity of the present writ petitioners who are neither the political party nor the candidates.

8. So far as the incapacity of the District Police Authority regarding maintaining law and order in the gathering of a large number of people in view of the ongoing election process is concerned, the Court is of the opinion that citizen's right of free expression cannot be subverted to for any reason, excepting any sufficient cause. It is the duty of the police authorities to maintain law and order irrespective of to whatever additional engagement they have been put to. There is no justifiable ground that can be found for rejecting the petitioners' prayer for holding a peaceful, a political demonstration and rally, on the date as proposed.

9. The contention of the State respondents that non-political rally and meeting at this stage could not be of that urgency for which the State Administration may be directed to accommodate in spite of various difficulties. This contention is also not acceptable on the grounds as stated above,

which may justifiably hinder exercise of rights of the citizens.

10. Hence, this writ petition is disposed of directing the respondent authorities to grant permission for demonstration and rally to be held on May 29, 2024 from 11.00 hours to 17.00 hours from Pandaveswar Railway Station to Fulbagan Durga Mandir.
11. However, the procession holders/office bearers of the petitioner no.1 would be responsible to keep peace during the procession. They shall also be responsible to ensure that no inconvenience is caused to the public at large and no disturbance is caused for the people in locality in continuing with their normal day to day works and affairs, during the time of the rally.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)