

18.10.2024
Ct. no.3 (V.B.)
Sl. No.ADSL 1
ss/Sc

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

WPA 26139 of 2024

**Arun Uday Paul Chowdhury
Vs.
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya
Mr. Anish Kumar Mukherjee
..for the petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Dipanjan Dutta,
Mr. Sougata Mitra
Mr. Soumen Chatterjee
... for the State

Affidavit-of-service and supplementary affidavit filed
on behalf of the petitioner, are taken on record.

The present writ petition has been filed to accord
permission to the petitioner to hold and/or organize
political programme on 21st October, 2024 from 2.p.m. to
6 p.m. on the ground of “*New Tarun Sangha*” situated at
Village and Post Office – Raghudevpur (Dakbungalow),
Police Station Rajapur, District–Howrah adjacent to NH-
16 near Panchla Bus Stop, Banglow More, Kolaghat
bound.

Mr. Billwadal Bhattacharyya, learned Advocate
appearing on behalf of the petitioner submits that
previously the petitioner approached *Netaji Sangha* for
using their field for holding the meeting. The said club
permitted the petitioner for organising the political
programme. However, due to certain political pressure
the said permission by the club was withdrawn. The

petitioner thereafter approached the Project Director, NH-16 for using the service road for holding the public meeting. Since the petitioner did not receive any permission it approached “*New Tarun Sangha*” for holding the meeting in its field. The said club accorded permission. However, the police authorities, namely Rajapur Police Station, Howrah Rural District vide its letter dated 18th October, 2024 rejected the permission for holding the public meeting on the ground that the field belongs to Communication and Works Department and is in the nature of *nayanjuli* and further there is apprehension of traffic related hazards and accident as well as safety and security of the Hon’ble Leader of Opposition. Be that as it may, in the rejection letter it has been stated that the field belongs to “*New Tarun Sangha*”. Further, the petitioner undertakes that there would be no traffic related hazards for holding such meeting. Placing reliance on the orders passed by this Court in *WPA 12664 of 2023 (Arun Uday Paul Chowdhury –vs.- The State of West Bengal & ors.)* and *WPA 21752 of 2024 (Kali Khatick –vs.- State of West Bengal & Ors.)* he submits that the opposition parties time and again had to approach the Court for holding political programmes since repeatedly the permissions were being rejected by the concerned Police Stations. He seeks for appropriate orders so that the political meeting can be conducted on the scheduled date and time.

On the contrary, Mr. Swapan Banerjee, learned Additional Government Pleader appearing on behalf of the State submits that the field belongs to the Communication and Works Department, Government of West Bengal as such the club has no *locus standi* to give permission to hold political programme on the land of PWD. The nature of land is also recorded as *nayanjuli* so the question of holding the political meeting on the said land does not arise at all. He also denies and disputes the submissions of the learned Advocate for the petitioner that the police authorities are rejecting the prayer for holding political meetings of the opposition time and again. He also indicates that since the field is adjacent to NH-16 there is a possibility of traffic related hazards. In light of the above submissions, he submits for dismissal of the writ petition.

In reply, Mr. Bhattacharyya, learned Advocate for the petitioner upon instructions, informs that no such parking of vehicles will be done immediate to NH-16.

Having considered the materials on record, it is found from letter of rejection dated 18th October, 2024 indicates that a request has been made for seeking permission for holding political meeting in the field of “*New Tarun Sangha*” located at Village and Post Office – Raghudevpur (Dakbunglow), Police Station Rajapur District – Howrah. From the letter of Secretary, “*New Tarun Sangha*” dated 17th October, 2024 at page no.43 of the writ petition that the field is stated to have been used

as a play ground. It is not in dispute that the field is beside NH-16. Therefore, movement of the vehicles through the NH-16 and safety and security of the persons attending the meeting and public should be secured.

Considering the aforesaid, the permission is granted to the petitioner to hold the political meeting on the scheduled date and time on the above venue subject to the following conditions:

- i. the petitioner shall provide five names of the persons who will be responsible for compliance of terms and conditions for holding the meeting;
- ii. the petitioner shall also hold the meeting in a peaceful way and shall not cause any obstruction or inconvenience to the public at large;
- iii. there shall not be any parking of vehicles on or immediate beside the NH-16 thereby obstructing the way for free movement of the other vehicles;
- iv. the venue shall be cleaned up after conclusion of the meeting;
- v. the police shall ensure appropriate arrangement and deployment for safety and security for holding such meeting;
- vi. the political meeting will be attended approximately by two thousand people as assured by petitioner.

Accordingly, the writ petition being **W.P.A. 26139 of 2024** is disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)