

29.11.2024
Item No.3
dc.
Ct.No. 35

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28541 OF 2024

**Sunil Harsh
Vs
The State of West Bengal & Ors.**

Mr. Moyukh Mukherjee,
Mr. Pritam Roy,
Mr. Abhijit Singh,
Ms. Sagnika Banerjee,
Ms. Aishwarya Bazaz,
Ms. Samistha Basak

.... For the Petitioner.

Mr. Amitesh Banerjee, sr. standing counsel,
Ms. Ipsita Banerjee,
Mr. Akash Dutta

....For the State.

The petitioner and his associates intend to convene a Dharna at Southern flank of Rani Rasmoni Avenue, Kolkata.

The conditions so imposed by the State and the instruction-sheet of the Officer-in-charge, Law Section, KPD, Lalbazar, Kolkata which is handed over by Mr. Banerjee, learned senior standing counsel appearing for the State be kept with the record.

The petitioner and his associates are allowed to convene such Dharna subject to the terms proposed by the State which are set out as follows :

“1. Proposed Dharna should commence at 2 pm & conclude by 6 pm as directed;

2. Number of participants should be limited to 1000 persons;
3. Stage size should not exceed beyond 24x12 ft.
4. Stage should be erected in the Southern flank of the Rani Rasmoni Avenue and the organizers should confine the participants to that flank only. Rest two flank of the said road should remain clear in order to avoid traffic congestion & public inconvenience;
5. Installation of sound system and its usage has to be limited and also in consultation with the local police station. The sound system has to be fitted facing towards Dorina Crossing and limited to Rani Rasmoni Avenue only;
6. Loudspeakers shall be used within the permissible limits as prescribed by the Hon'ble High Court, Calcutta and West Bengal Pollution Control Board;
- 7 Participants should not congregate or make any kind of obstruction at Dorina Crossing, Rani Rasmoni Avenue except southern flank or any other adjacent road;
8. Speeches capable of inciting violence, provocative speeches and abusive language will not be permitted;
9. The organizers and the volunteers whose name was given with the application will be responsible for any violation of the Order of the Hon'ble High Court;
10. The participants in the said Dharna shall act in a manner to ensure that there is no damage to public property, assault on any Government Servant or any other transgression of law;
11. The participants shall act in a manner to ensure that no inconvenience whatsoever shall be caused to the public at large;

12. The participants at the rally should be dispersed immediately after the specified time fixed for conclusion of the said Dharna;

13. All other existing rules in vogue should strictly be adhered to.”

So far as the size of the stage is concerned, the same is kept flexible. However, the same should not exceed beyond 30 ft. in length.

So far the issue of number of participants is concerned, the organizers would limit the same as per the space available so that it would not make them responsible for any untoward incident.

Mr. Mukherjee, learned advocate appearing for the petitioner undertakes that he would abide by the conditions so imposed.

In view of the aforesaid, the petitioner and his associates would conclude the programme by 6.00 pm in consonance with all the terms so granted.

With the aforesaid observations, the writ petitioner being WPA 28541 of 2024 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)