

21.01.2025

Court No. 35

Item No.20

Rakib/Suman

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 1463 of 2025

Ashis Khamrai

VS

The State of West Bengal & Ors.

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.

... for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Ms. Sabnam De Bardhan,
Ms. Keya Sutradhar.

... for the State.

The present writ petition has been preferred by the petitioner as a Convener of WBGDRB-2017 Group- D Waiting Aikya Mancha, (hereinafter referred to as 'Mancha') for a sit-in demonstration on 23rd and 24th January of 2025 at Nabanna Bus Terminus.

The grievance of the petitioner is that in spite of placing their demands with the Chief Secretary and subsequently sending reminders, no action has been taken in respect of the representations submitted by them. Petitioner further submits that in spite of the petitioner informing the authorities including the Commissioner of Police, Howrah Police Commissionerate, till date no communication has been received by them although substantial time has passed.

Mr. Bandopadhyay, learned Senior Standing Counsel appearing on behalf of the State has submitted a report.

Report reflects that on 16th of January, 2025 the Assistant Commissioner of Police (HQ), Howrah Police Commissionerate informed the petitioner, the contents of which reads as follows:

“We are in receipt of your letter dated 08.01.2025 regarding the proposed demonstration programme at Nabanna Bus stand, Howrah on 23/01/2025 and 24/01/2025.

In this connection, this is to inform you that the permission to hold the above noted programme is denied as you have not annexed the copy of the land permission from appropriate authority till date.

This apart, you are also aware that Nabanna Bus Stand is a very busy area. Allowing any demonstration in that place will not only disrupt normal traffic flow but also cause serious inconvenience to school students and office goers. Besides this Nabanna and its surrounding areas fall under high security zone. Provisions of section 163 of Bharatiya Nagarik Suraksha Sanhita, 2023 have been promulgated around Nabanna area. Hence, any demonstration in the vicinity of Nabanna is not allowed.

Thus it is suggested that you may submit a fresh application mentioning the place of demonstration either at Mandirtala bus stand or

under Bankim Setu Fly over / near Howrah Railway Station where generally such programs are organized then it may be considered depending on the programs allowed on the said date and time, if any.

Your inconvenience is regretted.”

Mr. Bagchi learned advocate appearing for the petitioner has relied upon earlier orders passed in WPA 28257 of 2023, wherein State approached the Appeal Court presided over by the Hon'ble The Chief Justice in M.A.T. 2534 of 2023 and emphasised that Nabanna Bus Terminus was never restrained earlier for conducting sit-in demonstration and in fact there are no complaints till date from the administration that there were any public disorder in respect of the earlier demonstrations of any organization.

I have considered the grounds assigned by the Assistant Commissioner of Police in the communication dated on 16th January of 2025, thereby refusing permission of any demonstration in the vicinity of the State Secretariat being Nabanna, which is a high security zone. Additionally it has stated that there may be disruption of traffic flow and inconvenience which would be caused to the school students and office goers. In the same communication there were proposals of alternate venue which could be avoided of by the petitioner.

Having considered the same, I find that the grounds so assigned are substantiated with cogent reasons and as such, I am not inclined to allow the prayer of the petitioner for sit-in demonstration at Nabanna Bus Terminus, Howrah on the dates so specified.

Mr. Bagchi, learned advocate appearing for the petitioner on instruction submits that the petitioner organization is ready and willing to accept Mandirtala Bus Stand as an alternate venue for conducting sit-in demonstration which would comprise of 300 individuals on 23rd and 24th January 2025, to that State raises no objection. However, certain restrictions have been forwarded on behalf of the State which are as follows:

- (i) Let the petitioner and their associates hold a peaceful “sit-in demonstration” with not more than 300 individuals on 23rd January, 2025 to 24th January, 2025 at “Mandirtala Bus Stand”.
- (ii) The stage that is to be erected by the petitioner for peaceful “sit-in demonstration” should be as per mutually agreed with the police authorities.

- (iii) The petitioner shall abide by all the conditions for holding such peaceful “sit-in demonstration” and shall not cause any undue obstruction to public at large.
- (iv) The police authorities shall make necessary arrangements for security with good number of personnel so as to ensure that no breach of peace takes place.
- (v) The police arrangements would be made under the supervision of the Officer-in-Charge of the concerned police station or any Superior Officer as decided by the administration.
- (vi) Demonstration shall be held subject to observance of rules in relation to noise pollution and without causing any inconvenience to the public at large.
- (vii) The place of demonstration shall be appropriately cleaned after the demonstration.”

Mr. Bagchi on behalf of the petitioner accepts the restrictions so imposed and undertake that the members would be abiding by such conditions. It is

further reiterated that at least names of 10 organizers be forwarded to the Administration/Police Authorities with whom the authorities may co-ordinate for facilitating the programme and in case there is a crisis the administration and/or Police Authorities can communicate, so that responsibility is taken by the 10 organizers to dissuade the crisis and the situation do not go beyond control.

With the aforesaid observations WPA 1463 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)