

22.01.2025
Court No. 35
item No.181
Rakib/Suman

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1715 of 2025

Shankudeb Panda
VS
The State of West Bengal & Ors.

Mr. Mayukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak.
... for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Kr. Ganguly.
... for the State.

The petitioner being the office-in-charge cum Executive Committee Member of Khola Hawa, intends to organize a peaceful dignified protest march/rally/procession on 24.01.2025 from 1.00 p.m. to 6.00 p.m. starting from College Square to Dorina Crossing (Chowringhee Road) via Central Avenue by following all procedures as mandated by the law in force with 3000 participants whereby there would be volunteers responsible to manage the said rally/procession. Although in the writ petition it was pleaded that the petitioner intend to construct a temporary stage of 20-30 feet with two sound box and 40 microphones on the culminating point but at the time of the hearing of the present writ petition Mr. Mukherjee, learned advocate appearing for the petitioner has waived the said right and submitted that

there will not be any speeches, only there will be procession/rally.

Petitioner further contends that they applied for permission by way of a representation to the Joint Commissioner of Police on 18.01.2025 and also to the other State respondents on 19.01.2025 for holding such protest march/rally on 24.01.2025 however, the representation was never considered nor any communication made to the petitioner or its organization till date.

Mr. Bandopadhyay, learned Senior Standing Counsel appearing on behalf of the State submits that so far as the rally intended to be done on 24.01.2025 the State do not intend to come in the way, however, the route so proposed by the petitioner will create harassment to the public at large considering the time at which such procession has been proposed as the same is a working day. Students of different schools will be returning after school hours, the regular business activities carried out in the area as well as individuals attending different offices at the area will be subjected to unnecessary detention because of the number of persons proposed to be participating in the rally/procession which is bound to cause traffic congestion, thereby not only restricting the

movement of other vehicles but also the ongoing commuters.

Having considered the reservation expressed by the State to the limited extent of the route of the procession being changed and after deliberating on different proposals an unanimity was arrived at regarding the route of the procession which would commence from College Square, enter Mahatma Gandhi Road thereafter at Central Avenue and culminate at Muhammad Ali Park.

On behalf of the State some other restrictions have been proposed which are set out as follows:

- (i) Let the petitioner and their associates hold a peaceful “rally/procession” with not more than 3000 individuals on 24th January, 2025.
- (ii) The petitioner shall abide by all the conditions for holding such peaceful “rally/procession” and shall not cause any undue obstruction to public at large.
- (iii) 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.
- (iv) 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.

(v) Rally/procession shall be held subject to observance of rules in relation to noise pollution and without causing any inconvenience to the public at large.

(vi) The place of rally/procession shall be appropriately cleaned after the demonstration.”

Mr. Mukherjee, learned advocate appearing for the petitioner accepts the proposals forwarded by the State and submits that there would be a peaceful march/rally and the names of 10 organizers would be handed over to the police authorities in advance so that in case there is any crisis the police authorities as well as the organizers can take steps to dissuade such crisis.

In view of the number of participants in the rally, State is directed to deploy adequate police force for monitoring the movement from the commencement at 12.00 p.m. to the point of culmination at 4.30 p.m.

With the aforesaid observations WPA 1715 of 2025 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 with all requisite formalities.

(Tirthankar Ghosh, J.)