

30.01.2025

Court No. 35

ADSL 1

Rakib/Suman

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

W.P.A. 2498 of 2025

Kali Kathick

VS

The State of West Bengal & Ors.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak.
... for the Petitioner.

Mr. Kishore Datta, Ld. AG.,
Mr. Swapan Banerjee, Ld. AGP.,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee.
... for the State.

Affidavit-of-service so filed by the petitioner be kept with the record.

Petitioner intends to conduct a public meeting/protest meeting on 31.01.2025 at 1 Hogg Street, Kolkata, opposite to Raunak Hotel. To that effect petitioner applied before the authorities including the Joint Commissioner of Police, Kolkata, Deputy Commissioner Police, Kolkata, Central Division, Kolkata and Officer-in-charge, New Market Police Station. However, no response was received from them, as such the petitioner has approach this Court seeking permission for a gathering of 500 to 1000 people on issues referred to in the writ petition. Petitioner also intends to construct a stage from where the speakers and other leaders would be addressing the gathering and

seeks permission to affix public address system with loudspeakers.

Mr. Banerjee, learned Additional Government Pleader on instructions opposes the time schedule which has been proposed in the application as also holding such meeting in a congested area. Learned advocate for the State has also submitted for the close proximity of time within which the application have been forwarded to the administration and referred to the previous orders of this Court.

Be that as it may, I have considered the other orders passed as also the right of the petitioner under Article 19 of the Constitution of India. It has been also brought to the notice of this Court that other organizations have been permitted to conduct programmes in the same location.

In view of the issues raised in the writ petition and the resistance of the State, I am of the opinion that since other organizations were allowed, petitioner and/or the organization who would be conducting the programme cannot be deprived of their right to conduct the programme on the said date. However, the time schedule which has been expressed by the petitioner is not acceptable to this Court as there are number of schools within close distance wherein students would be

returning from schools, as well as number of offices from where the persons would be returning home, further, the location is near a market which is one of the most popular market of the State and as such commuters are always plying the streets. In normal dates also the traffic situation in the vicinity of the area requires strict monitoring.

Thus, the petitioner is allowed to conduct the public meeting/protest meeting from 6.30 pm to 9.00 pm on 31st January, 2025 at 1 Hogg Street, Kolkata, opposite to Raunak Hotel, wherein a stage may be constructed on right side of the road which should not exceed 10 to 11 feet in length and 8 to 10 feet in breadth. Gathering should not exceed a range between 200-300 individuals.

The State has forwarded the following conditions which the petitioner would strictly abide, the same are set out as follows:

- (i) Let the petitioner and their associates hold a peaceful “public meeting/protest meeting” with not more than 200-300 individuals on 31st January, 2025 at “1 Hogg Street, Kolkata, opposite to Raunak Hotel”.
- (ii) The stage which is to be erected by the petitioner for the “public meeting/protest

meeting” should be as per dimension referred to above.

(iii) The petitioner shall abide by all the conditions for holding such peaceful “public meeting/protest meeting” 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) Public meeting/protest meeting 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 meeting shall be appropriately cleaned after the public meeting is over.

A list of name of ten organizers with phone numbers would be handed over to the police

administration who would be responsible for communicating with the administration in case of any crisis. Considering the venue, the administration is directed to arrange for atleast 10 car parking spaces. Adequate police force be deployed so that no untoward situation may arise and in case any untoward situation arise the organizers would take positive steps to dissuade or dissipate the excitement, anger of the participants attending the programme.

This order is for the particular programme proposed by the organization and will not operate as a precedent for future programmes to be held.

With the aforesaid observations WPA 2498 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.)