

D/L 121
02.04.2025
Kausik
ct.no.35

W.P.A. 7545 of 2025

**Raj Chowdhury
Versus
State of West Bengal & Ors.**

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak

...for the petitioner.

Mr. Sirsanya Bandopadhyay, Sr. St. Counsel
Mr. Tanweer J. Mandal

...for the state.

Petitioner has approached this court as the Joint Commissioner of Police Headquarters refused to grant permission to the petitioner to organize a rally on 02.04.2025 in the scheduled route proposed by the petitioner for a procession followed by a delegation to meet the Chief Electoral Officer for handing over their deputation.

In view of the constrains of time and that the procession is to be held today at 4.00 p.m. starting from 6, Murlidhar Sen Lane, the same would proceed towards Central Metro Station, Yoga Yog Bhawan all along CR Avenue thereafter Lenin Sarani crossing enter Esplanade East at 'Y' Channel and would conclude at 'Y' Channel (Esplanade East).

Mr. Bandopadhyay, learned Senior Standing Counsel appearing on behalf of the State

has taken serious objection for the rally to be held at the office hours and also emphasized on the ongoing examinations which are being held on this day and refers to his instructions that JEE Mains Session 2 and also ISC Class XII examinations are to be held.

I have taken into account the route proposed to be followed and the time which has been referred to above i.e. between 4.00 p.m. and 6.00 p.m. on 02.04.2025. No school or institution is there in the proposed route. However, there may be institutions which are within close vicinity of the proposed route which the police administration with their efficiency would monitor.

State has forwarded the following conditions :-

“1. Number of participants should be in accordance with the Hon'ble Court's order;

2. Loudspeakers, if used, shall be within the permissible limits as prescribed by the Hon'ble High Court, Calcutta and West Bengal Pollution Control Board and also in consonance of any other conditions imposed by this Court;

3. Speeches capable of inciting violence, provocative speeches and abusive language will not be permitted;

4. Name of the volunteers should be furnished, in advance before commencing the

programme, who will be responsible for violating any Order of Hon'ble Court;

5. The participants in the said programme 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;

6. The participants shall act in a manner to ensure that no inconvenience whatsoever shall be caused to the public at large;

7. No obstruction is to be created to free flow of traffic, free access to any thoroughfare or building, Ambulance, Fire Brigade or persons entitled thereto;

8. The participants at the procession should be dispersed immediately after the specified time fixed for conclusion of programme has been fixed;

9. All other existing rules in vogue should strictly be adhered to."

Mr. Mukherjee undertakes that the conditions so forwarded by the State is acceptable by the petitioner.

Petitioner submits that only megaphones would be used in the procession. Whichever sound

systems are used as for emanating sound, the same should not exceed 65 decibels. The number of individuals are restricted to 1,000 persons who would be participating in the procession and thereafter a 10 member delegation from the 'Y' Channel (Esplanade East) would proceed to the Office of the Chief Electoral Officer for handing over their deputation to designated officer available at the office.

Let the whole of the process at 'Y' Channel be completed by 6.00 p.m.

With the aforesaid observations WPA 7545 of 2025 is disposed of.

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

(Tirthankar Ghosh, J.)