

02.04.2025

Item No.122

Ct. No.35

dc.

W.P.A. 7556 of 2025

**Somnath Ray @ Roy
versus
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Mr. Tamoghna Pramanick ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner has approached this Court as the permission to organise demonstration/rally at Contai was refused with a communication being sent to the petitioner for proposing an alternate date. Subsequently, it has been informed to this Court by way of a report dated 02.04.2025 that the rally proposed to be organised on 03.04.2025 by the petitioner has been considered and permission has been granted subject to certain restrictions being imposed by the State. The said conditions as enclosed in the report of the SDPO, Contai, Purba Medinipur are as follows :

1. You are directed to take permission for Sound system from competent authority as per WBPCB guidelines. The sound system shall not be used

unless permission is obtained from the competent authority.

2. The assembly/procession shall commence 02.00 P.M and its proceedings / it shall cease at 06.00 P.M on the above mentioned date.

3. The procession shall proceed by the following route, from which it shall not deviate except under the orders of a Police Officer, it shall reach the points mentioned below at the time started against each:

<u>Route</u>	<u>Points</u>	<u>Timing</u>
Rupashri Bypass - Post office More	Rupashri Bypass - Post office Mor via CaltexMor, Srirupa cinema and Rajabazar	<u>02.00 pm to 06.00 pm</u>

4. Speeches capable of inciting violence, provocative speeches and language shall not be permitted.

5. Names of at least fifty (50) numbers of volunteers along with contact numbers shall be furnished by the organiser, in advance before commencing the programme, who shall be responsible for violating any conditions cited here.

6. 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.

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

8. The organizer must ensure that 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. The rule of the road shall be observed and when so ordered by a Police Officer, the procession shall divide so as to allow traffic to pass through it. They must abide by all the traffic rules/restrictions/regulations, and to cooperate with the police authority throughout the period.

9. The participants at the programme should be dispersed immediately after the specified time fixed for conclusion of programme.

10. The organizer must ensure no music & DJ shall be played or any other act done, in such a way as to amount to a public nuisance.

11. The organizer must ensure that no fire-works shall be discharged on any public road or place.

12. The organizer must ensure that no Provocative slogans are used during the procession.

13. The organizer must ensure that no Arms/Lathi/Any object which may be used as weapons to be carried.

Mr. Bhattacharyya, learned senior advocate appearing for the petitioner accepts the conditions except to the extent that the time schedule so fixed under Serial No. 3 should be made flexible. Accordingly, the time period referred to above under Serial No.3 for organising the demonstration/rally is modified as follows :

Timing : **01.00 P.M. to 06.00 P.M.**

In view of the SDPO, Contai imposing the conditions, the petitioner is directed to adhere and abide by the conditions so imposed.

The organisers will cooperate in case of any crisis, communicate with the police authorities and would put in their efforts for dissuading any excitement or anger amongst the participants of the rally.

With the aforesaid observations, the writ petition being WPA 7556 of 2025 is disposed of.

There will be no order as to costs.

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.)