

11.04.2025
Item No.1
S/L
gd/ssd

MAT/556/2025
CAN/1/2025
SUDEEP KUMAR RAM
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rajdeep Mazumder, Id. Sr. Adv.
Mr. Dhiraj Trivedi, Id. Sr. Adv.
Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Ms. Sagnika Banerjee,
Ms. A. Bazaz,
Mr. Goutam Sarda,
Ms. Sarmistha Basak,
Mr. Soumya Raha,
Mr. Samrat Mondal
..for the Appellant.

Mr. Kishore Datta, Id. AG
Mr. Swapan Banerjee,
Ms. Sumitra Shaw,
Mr. Soumen Chatterjee
..for the State.

1. We have elaborately heard the learned advocates for either of the parties and carefully perused the order passed by the learned Single Bench dated 11.4.2025 wherein the learned Single Bench refused to grant the interim prayer for organizing the programme on 12th April, 2025 at Red Road, Kolkata as pleaded by the appellant/petitioner.

2. However, the learned Single Bench has not foreclosed the right of the petitioner but kept the writ petition pending and directed affidavits to be filed.

3. The essential factor to be noted is that the programme which is scheduled to be conducted

tomorrow is being organized for the first time at the location they have sought for.

4. Therefore, in the opinion of the learned Single Bench while refusing to exercise discretion is that for establishment of a right to hold any religious practice for the first time at public place, the establishment of such right is required to be made before a court of law.

5. It is not as if the State machinery has rejected the permission sought for by the petitioner but they have cited certain reasons and suggested two other places, namely, R.R. Avenue and Sahid Minar Maidan. According to the State, the proposed place at Red Road may cause traffic congestion and inconvenience to general public at large and may lead to serious law and order issue and breach of peace as well.

6. The court is not here to sit in judgment over the decision taken by the State Authorities which undoubtedly has to be taken bearing in mind the larger public interest.

7. However, since the writ petition is still pending, we refrain from expressing any opinion on the same as it may impinge upon the right of parties when the writ petition is finally heard after exchange of affidavits.

8. Therefore, we are of the view that the refusal to exercise discretion by the learned Single Bench and refusal to grant an interim order cannot be faulted considering the facts and circumstances of the case.

9. Apart from that the letter issued by the Army in favour of Hindu Seva Dal appears to be a provisional No Objection Certificate for erection of a temporary stage with other adjoining facilities including establishment of mikes and camera. The said provisional No Objection also makes it clear that necessary clearance from the police authorities is required and the provisional No Objection Certificate should not be construed as an authority for allotment on the ground to hold/plan the programme.

10. We are not here to suggest anything on the genuinity of the petitioner or his organization to conduct the programme which, according to them, is a religious event. If such is the contention of the petitioner nothing prevents the petitioner from choosing any one of the two alternate locations as suggested by the State.

11. Thus, for the above reasons, we are not inclined to interfere with the impugned order and the appeal is dismissed.

12. Liberty is given to the petitioner to approach the authority by 5 p.m. today choosing any

one of the alternate locations suggested by the State and if one of the location is selected, the State and the police administration shall ensure that adequate deployment of police force is there so that the public should not be put to inconvenience and the programme shall be conducted by the organizers in a solemn manner.

13. We make it clear that since we are not inclined to interfere with the interim order passed by the learned Single Bench, the other issues which are subject matter of the writ petition have not gone into and are kept open.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)