

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

W.P.A. No. 14724 of 2025

**Sufism Madaria Organisation
-Versus-
The State of West Bengal & Ors.**

For the Petitioner	: Mr. Kalyan Banerjee, Sr. Adv. Mr. Soumya Basu Roy Chowdhury Mr. Sarbananda Sanyal Ms. Paulami Chakraborty Mr. Samrat Chakraborty Mr. Saikat Gayen
For the Respondent No. 9	: Mr. Samim Ahammed Mr. Imteaz Ahamed Mr. Arka Maiti Ms. Gulsunwara Pervin Mr. Arka Ranjan Bhattacharya Ms. Saloni Bhattacharya
For the State	: Mr. Swapan Banerjee Mr. Diptendu Narayan Banerjee
Heard On	: 04.07.2025
Judgement On	: 04.07.2025

Tirthankar Ghosh, J. :-

The petitioner no. 1 'Sufism Madaria Organisation' and the petitioner no. 2 is the President of 'Sufism Madaria Organisation' who

intends to take out a procession on the occasion of Muharram and to that effect they advanced their representation to the jurisdictional police authorities, but the same has not been responded till date. Petitioner is apprehensive that since the date fixed for Muharram is on 06.07.2025 they may be deprived of their rights to carry out their religious procession.

Attention of the Court has been drawn by the private respondent in respect of the earlier order being WPA 17311 of 2024 dated 11.07.2024 wherein Court rejected the prayers of the petitioner as it was claimed that they are an organization registered with 24 Parganas (South). The addresses which have been furnished before this Court by the Organisation is of Village and Post Office – Khajutty, Police Station – Bagnan, District - Howrah and it has been claimed by the organization and its President that no individual of 24 Parganas (South) would participate in the procession and it is only the people of Howrah who would be participating in the procession. Although in the representation a different route was proposed, but presently the petitioners have before the Court stated that they intend to proceed in the following route between 9.00 a.m. to 12.00 p.m. (the time period should be flexible and the Inspector-in-Charge, Bagnan Police Station will decide the said time within the aforesaid time limits) :-

“From Sufism Madaria Organisation (Aymma Manzil) –
Ratanmore Dogora (through Bainan Road)-
Surendranath Primary School (through District Council

Road) – Manna Para – Badshahmore and return to Aymma Manzil.”

Resistance has been advanced both by the private respondents as well as the State so far as the end point is concerned relating to Sufism Madaria Organisation, Karbala. The police authorities before this Court have submitted that till now they have not granted permission to the private respondents and the same is awaited. So far as the end point is concerned, I find that the ‘Khajuti Amtala Karbala Sarif’ is the point of conflict between the two organizations.

Having considered the same, I direct the police authorities not to grant permission to any of the three proposed applicants along with the present applicant to culminate their procession at Karbala. It would be for the convenience of all the organizations and their processions to conclude their procession at a Darga which would be decided by the police authorities.

Learned advocate for the State has forwarded the following terms and conditions which are as follows :-

- (a) At any point of time, the total number of participants shall not exceed a number of about 750 (approximately). In order to ensure that the number of participants is limited to 750, the petitioners shall make necessary announcements and/or issue leaflets, if required;
- (b) The organizers shall nominate 5 persons from amongst themselves who shall be held responsible for conducting the procession;

- (c) The participants shall not carry or brandish any arms or weapons;
- (d) The participants and the organizers shall not use any foul language or incite violence;
- (e) The participants shall not carry in the procession any stick, lathi, swords, knives, sticks or any kind of tool or weapon;
- (f) The participants shall also abide by the relevant pollution norms including the sound norms. Only normal sound system should be used. No disc jockey shall be allowed in the said procession;
- (g) The participants in the procession shall not halt or pause at any place and would continue to gradually proceed towards their final destination.”

In case there is any violation of the aforesaid conditions, the police authorities would be at liberty to disperse the procession.

As the learned advocate for the petitioner(s) submits that 750 participants would be participating in the said procession, the names of the participants should be forwarded to the concerned Officer-in-charge of Bagnan Police Station with a Photostat copy of any Identity Card – be it, Epic Card and/or Voter Card.

Mr. Banerjee, learned senior advocate has accepted the conditions so imposed by the State so far as the end point is concerned. The Inspector-in-Charge of Bagnan Police Station will communicate the same

to the petitioner no.1 or the President of the petitioner no. 1 Organization.

Since number of organizations have proposed within an area for conducting processions and other events related to Muharram, adequate police force be deployed so that no untoward incident results.

In case there is any crisis which the police authorities feel would flair up the situation resulting in any form of violence, the police authorities would disperse the procession and/or mob by exercising their discretion.

With the aforesaid observations WPA 14724 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)