

DL 512
11.07.2025
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ct.no.35

W.P.A.15206 of 2025

**Lakshman Kisku & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Rajnil Mukherjee
Ms. Debolina Sarkar
Ms. Satabdi Dey
Ms. Sohini Mitra
Mr. Subham Das.
...for the petitioners.

Mr. Rajarshi Basu
Mr. Suwendu Sengupta.
...for the State-respondents.

Mr. Jishnu Saha
Ms. Sonal Shah
Mr. K. Shah
Ms. R. Banerjee.
...for the respondent no.6.

Learned advocate appearing for the petitioners filed a supplementary affidavit, advance copy of the same has been served upon the learned advocate appearing for the State as well as the private respondent no.6.

Petitioners claim that they are the land losers and as such intended to protest as there has been issues relating to certain commitments. To that effect, they have approached the administration including the police authorities but no permission was granted

to the petitioners, as such, they have approached this Court.

Learned advocate appearing for the State has opposed the prayers advanced in the writ petition including the factum that under the mask of a political agitation such a protest is being organized by the petitioners. To that effect, attention of the Court was drawn to some of the enclosures/annexures to the writ petition. It is further objected by the State that the representation which has been very recently made by way of amending the initial prayers do not convey a time frame for which such demonstration is to be held at the behest of the petitioners or their associates.

Mr. Saha, learned senior advocate appearing on behalf of the respondent no.6 submits that the protest of the petitioners are bound to malign the name of the company as the company is an internationally acknowledged company so far as its commercial activities are concerned. The goodwill of the company and its products are internationally renowned and the very use of the name of the company at the behest of the protesters is bound to create a circumstance which would be prejudicial to the management as well as the goodwill of the company.

I have considered the submissions advanced by the learned advocates appearing on behalf of the petitioners, State and the private respondent no.6.

Having considered the issue which the petitioners intend to canvass, I have not gone into the merits of the same whether the petitioners are actually land losers or not. However, the right to protest as such cannot be taken away which has been granted by the Constitution but the only impediment which the Court can create is reasonable restrictions.

Consequently, I direct that the petitioners would as represented hold their protest at plot no.46/528, mouza – Gholageria, JL no.365 provided they have submitted the consent letter of the land holder to the administration.

The protest would be carried out in the form of sit-in demonstration on 15th July, 2025 as prayed for from 11 a.m. till 5 p.m.

Learned advocate appearing for the State has handed over the following conditions:

“1. Number of participants should be in accordance with the list submitted before the administration;

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;

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 programme should be dispersed immediately after the specified time fixed for conclusion of programme;

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

Learned advocate for the petitioners undertakes that they would abide by the conditions as has been imposed by the State. Petitioners would ensure that there is no traffic congestion because of such protest and any public servant or any employees of the industry are in any manner obstructed from carrying out their day-to-day activities.

With the aforesaid observations, WPA 15206 of 2025 is disposed of.

Report submitted by the State be kept with the record.

Since no affidavits have been called for, the accusations made in the writ petition are deemed not to have been admitted.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)