

30.07.2025
Court No. 35
D/L. No.6
Rakib

W.P.A. 15847 of 2025
With
CAN 1 of 2025

Shah Mohammad
VS
The State of West Bengal & Ors.

Ms. Ayasha Najrin
...for the Petitioner.
Mr. Suman Sengupta
Mr. Saptarshi Guha
...for the State.
Mr. Dyutiman Banerjee
Mr. Sourat Nandy
Mr. Akash Lal
...for the added respondents

In Re: CAN 1 of 2025

An application for addition of parties has been preferred by the applicants.

Let the applicants be added as respondent nos. 5 to 12 in the main writ petition.

Accordingly, the application for addition of parties being CAN 1 of 2025 is allowed.

In Re: WPA 15847 of 2025

Petitioner has prayed for permission from Joint Commissioner of Police (HQ), Kolkata to hold a procession of 'Moharram' for gathering of 2500 individuals on 3rd of August, 2025.

State did not agree with the route so proposed and has come up with a traditional route which is as follows:

“Traditional Route - starting point 2C/H/15 Chatubabu Lane -> (Left Turn) ->1W, Chatubabu Lane ->

CIT Road -> Philipps More -> Dr. Lal Mohan Bhattacharjee Road -> Merge with another procession in front of Kathalbagan Masjid.”

Learned advocate appearing for the petitioner agrees to the route proposed by the administration.

As such the procession be allowed to progress on the route so proposed from 3.00 P.M. on 3rd of August, 2025 and would culminate at 05.00 P.M. at the proposed culminating point.

So far as the conditions which have been proposed on behalf of the State, the same are as follows:

(a) “At any point of time, the total number of participants shall not exceed a number of 2500 participants.

(b) The organizers shall nominate 10 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 shall not use any foul language or incite violence, further provocative speech in any form is strictly prohibited;

(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.

(h) The petitioner and participants shall abide by all the conditions for holding such peaceful procession/rally and shall not cause any undue obstruction to public at large.

(i) The police authorities shall make necessary arrangements for security with good number of personnel so as to ensure that no breach of peace takes place.”

Learned advocate for the petitioner accepts such condition and undertakes that the petitioner as well as the volunteers would be responsible for any untoward incident which takes place.

Learned advocate for the applicant opposed the route of the proposed procession.

However, having regard to the right of an individual and/or organization to carry out a procession according to the established principles, I am of the view that there is no issue of conflict on the route so proposed by the State.

As such the contention of the applicant/respondent nos. 5 to 12 cannot be accepted.

The petitioner as directed above would hold the procession/rally subject to the restrictions as stated above.

With the aforesaid observations WPA 15847 of 2025 is disposed.

Report submitted by the State be kept with the record.

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.)