

08.08.2025
Court No. 35
D/L. No.92
Rakib

W.P.A. 17836 of 2025

**Tapan Hazra @ Tapan Kumar
Hazra
VS
The State of West Bengal & Ors.**

Mr. Amitesh Banerjee, Sr. Adv,
Mr. Indranil Roy, Sr. Adv,
Mr. Biswanath Chatterjee
Mr. Sobhan Pathak
...for the Petitioner.

Mr. Kishore Dutta, Ld. A.G.
Mr. Swapan Banerjee, AGP,
Ms. Sunita Shaw
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee
...for the State.

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh
Ms. Priti Kar
...for respondent nos.10(a) and 10(b).

Affidavit-of-service filed by the petitioner be kept
with the record.

I have considered the contention of the present
petitioner and their anxiety for carrying on their trade
and business at the Howrah Maidan area.

Having considered the observations of the Hon'ble
Division Bench in WPA (P) No. 311 of 2025 dated
07.08.2025, I am of the view that the State would strictly
adhere to the directions passed in the said order. To that
effect paragraph 6 of the Hon'ble Division Bench's order is
quoted below:

*"6. As noted above, the police has already issued the
prohibitory order and it will be open for the
Government to implement the said prohibitory order*

in accordance with law and inform the organizers about adequate alternative place for protest. While not granting any interim relief as prayed for against protest, we are inclined to observe that it will be lawful for the persons participating in the protest to protest peacefully as law abiding citizen and not cause any harm to the police or Government authorities, buildings, public properties etc. It has been enshrined in the Constitution of India which emphasizes the importance of protecting public property, This Article 51A (i) contemplates that it is the duty of every citizen to ‘Safeguard public property and to abjure violence’.”

It is submitted on behalf of the State that no application till date has been received seeking permission.

Mr. Banerjee, learned Additional Government Pleader submits that the State authorities have designated ‘Rani Rashmoni Avenue’ as the alternative place for protest on 9th August, 2025.

Be that as it may, since the issue is not before this Court and the concern of the petitioner is in respect of the business of the association concerned, this Court will restrict its findings so that the interest of the association is protected by the police authorities in consonance with the observations made by the Hon’ble Division Bench.

Mr. Bagchi, learned advocate appearing for the respondent nos. 10(a) and 10(b) submit that they are not involved with the said protest/rally which has been alleged and as such do not have any contentions to advance in spite of being served with notice.

Petitioner insist that since specifically commercial property have not been incorporated within the directions, the police authorities may be directed to protect the interest of the petitioner, so far as the trade and business are concerned.

In view of the spirit of the order of the Hon'ble Division Bench, police authorities would also ensure that the operation of the trade and business of the petitioner and/or in the vicinity is not jeopardized.

With the aforesaid observations WPA 17836 of 2025 is disposed of.

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.)