

08.08.2025
Court No. 35
D/L. No.96
Rakib

W.P.A. 17892 of 2025

**The Calcutta Fruits Merchants
Association & Anr.
VS
The State of West Bengal & Ors.**

Mr. Amitesh Banerjee, Sr. Adv,
Ms. Pooja Sah
Mr. Varun Kothari
Mr. Pratik Dutta

...for the Petitioner.

Mr. Sirsanya Bandopadhyay, Sr. Stnd. Counsel,
Mr. Mir Anuruzzaman
Mr. Sounak Bhattacharya

...for the State.

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

Petitioner no.1 happens to be The Calcutta Fruits
Merchants Association and the petitioner no.2 is General
Secretary of the said association who carried on their
business in the vicinity of Mahatma Gandhi Road,
Brabourne Road, Chittaranjan Avenue and have placed
their anxiety for carrying on their trade and business in
the aforesaid 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. Bandopadhyay, learned Senior Standing Counsel 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.

Petitioners 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 petitioners, 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 petitioners and/or in the vicinity is not jeopardized.

With the aforesaid observations WPA 17892 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.)