

12.09.2025
Item No.3
Ct. No.35
dc.

W.P.A. 21211 of 2025

**N. Mohan Rao
versus
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.,
Ms. Sagnika Banerjee,
Mr. Tamoghna Pramanick ... For the Petitioner.

Mr. Amitabrata Roy, Id. GP,
Mr. Swapan Banerjee, Id. AGP,
Mr. Vivekananda Bose, Jr. Standing Counsel,
Mr. Debapriya Chatterjee,
Mr. Tirthankar Dey ... For the State.

State has taken an exception to certain issues which cropped up in course of the programme which was held by the Ex-Servicemen Cell of Bharatiya Janata Party. Without going into the details in the order dated 10.09.2025, it was categorically pointed out that at the venue of the demonstration, no office bearers of Bharatiya Janata Party would participate in the assembly. It was also stated that a list of participants be handed over to the local police authorities.

Mr. Bhattacharyya, learned senior advocate appearing for the petitioner has handed over a list of participants which was handed over and received on 11.09.2025 at 16.52 hours. Let the same be kept with the record.

The State has relied upon certain photographs to emphasise that certain office bearers of the political party were present.

However, Mr. Bhattacharyya, learned senior advocate appearing for the petitioner submits that immediately after having knowledge regarding the same, information was sent to the organisers.

The permission was granted with a spirit that the Ex-Servicemen Cell who are deemed to be army personnel having a genesis of a disciplined force were hurt by certain statements and intended to protest without taking into account whether they are aligned to any political party or not. It would have been better in the circumstances had the participants be restricted to Ex-Servicemen only. Some of the participants were political functionaries may not be office bearers of Bharatiya Janata Party.

As a matter of caution and last chance, I direct that in case there is non-clarity in the order or misunderstanding in respect of interpreting the order, the applicants in each and every similar application would take a clarification from the Court in future. No steps are being taken by this Court as the resistance has been from the police authorities for the first time. In future, if similar incident recur, this Court will be compelled to take harsh steps irrespective of political colour of any party whether be in power or in opposition or having substantial number of representatives in the elected bodies.

The writ petition was earlier disposed of. The aforesaid observations are being made only because of the same being mentioned before this Court on behalf of the State and resisted by the learned senior advocate on behalf of the petitioner. No further orders are warranted.

However, parties are directed to strictly adhere to the directions passed above.

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.)