

03.10.2025
ADSl. No. 1
Ct No. 6
SG/Rohan

WPA 23813 of 2025

**Shankudeb Panda
Vs
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Moyukh Mukherjee,
Mr. Koustav Bagchi,
Mr. Tamoghna Pramanick.

...for the petitioner

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Santanu Mitra, Sr. Govt. Adv.
Mr. Jayanta Smanta, Jr. Govt. Adv.
Mr. Dwarika Nath Mukherjee,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kumar Nag.

...for the State

1. Learned advocate for the parties are present.
2. Heard the learned advocates for the parties.
3. As prayed for in the writ petition Rule 26 of the Writ Rules of this Hon'ble Court is dispensed with and the petitioner was permitted to move this petition on short service.
4. This writ application was moved on the ground of inaction of the respondent nos. 3 and 4 for keeping the application for grant of permission to hold a meeting on 05.10.2025 marked 'Annexure P-2' to the writ application pending from 27.09.2025.
5. Pursuant to filing of the writ application, the petitioner is communicated with the order passed by the respondent nos. 3 and 4 in rejecting the prayer to holding

the proposed programme of gathering at Dorina Crossing by citing the ground of the Durga Puja Carnival on the said day. It is observed by the police authority that No Objection Certificate with regard to the proposed programme cannot be granted on the following grounds:-

“With reference to your email dated 27.09.2025, this is to inform you that the No Objection Certificate (NOC) for your proposed programme cannot be accorded at the proposed route and venue on 05.10.2025. On the said date, the Durga Puja Carnival is scheduled to be held at Red Road, Kolkata. This Carnival has been a traditional programme of the Government of West Bengal since 2016. In addition to the Pujas participating in the Carnival, many other Pujas will also conduct their immersions on 05.10.2025, being the last date of immersion. Allowing any such programme on that day will adversely impact the Carnival as well as the immersion process, and there is every likelihood of severe traffic congestion and inconvenience to the general public.”

6. The writ petitioner being aggrieved by the order passed by the respondent nos. 3 and 4 has moved this writ application.

7. Mr. Billwadal Bhattacharyya, learned Senior Counsel for the writ petitioner submits that the application for grant of permission was filed on 27th September, 2025 but the matter was kept pending without any ground and the same is rejected today being 3rd October, 2025. Mr. Bhattacharyya further submits that the grounds cited by the respondent nos. 3 and 4 cannot be sustained in the eye of law. Learned advocate further relies upon the decision of this Hon’ble Court in

the case of ***Joint Platform of Doctors & Ors. Vs. State of West Bengal & Ors.*** reported in ***2024 SCC OnLine Cal 9414*** and the decision of ***Kali Khatick vs. State of West Bengal & Ors.*** reported in ***2024 SCC OnLine Cal 8287***.

Learned advocate draws attention to the order passed by this Hon'ble Court granting permission to hold peaceful demonstration at Dorina Crossing on the self-same day of the Carnival festival. Learned advocate submits that merely the Durga Puja Carnival cannot be the ground for rejection of prayer as because on similar occasions this Hon'ble Court had granted permission to hold the peaceful demonstration.

8. Mr. Kalyan Bandopadhyay, learned Senior Counsel appearing for the respondents submits that the writ petitioner has not come out with this application with a good intention as the entire objective is for a political purpose. Learned Counsel further submits that permission can be granted on any other day save and except on 5th October, 2025 due to the Durga Puja Carnival festival as several people including foreigners will be assembling at that particular place for observing the said festival and this grant of permission may cause inconvenience to the police authority and may create a law and order problem. Learned advocate also submits that this application is not bona fide and this should be dismissed. Learned Counsel for the respondents has cited

the decision in **WPA 26007 of 2024 (Bablu Kar & Anr. vs. State of West Bengal & Ors.)** wherein it is observed by this Hon'ble Court:-

"25. Learned Chief Judicial Magistrate (In-Charge), Alipore will act immediately, on the basis of the server copy of this order, and/or learned Advocates communication. The learned advocates for the State respondents are present before this Court and the order is dictated in open Court.

26. With regard to the demonstrations, it is made clear that the detained persons shall not create any disturbance near the puja pandals. All demonstrations should be held peacefully, at least 200 mts. away from the puja pandals. None shall disrupt the carnival, which the Government has organized, as a part of its yearly ritual."

9. Upon perusing the petition and considering the facts of the case and upon hearing the learned Counsel appearing for the parties and considering the decisions of this Hon'ble Court passed in **Joint Platform of Doctors** (supra) and **Kali Khatick** (supra), this Court is of the view that the writ petitioner to some extent has made out some case for grant of permission for holding meeting on 5th October, 2025. It is an admitted position that Durga Puja Carnival will take place on the said day and the police authority will be very busy to manage the said festival and also to control different vehicles which will be plying through the roads to the said place. As it is stated in the representation that on the ground of the tragic incident of death of 12 persons due to electrocution, this gathering is arranged amongst other causes, the

representation should have been considered by the police authorities.

10. Thus, upon perusing the representation made and the ground cited in the said representation dated 27th September, 2025 and considering the decisions of this Hon'ble Court in the case of **Joint Platform of Doctors** (supra) and **Kali Khatick** (supra), permission should be granted to the writ petitioner. However, as on that date i.e. 5th October, 2025, Durga Puja idols from College Square, Mohammad Ali Park and different places of Central Kolkata will go for immersion and may also participate in the Carnival festival, necessary modifications should be made and the said processions should be regulated by the police authority. Thus, the route Central Avenue should not be granted and an alternative route either via College Street towards Wellington or other road and thereafter, S.N. Banerjee Road may be granted. The police authority shall also take into consideration the timings for the Durga Puja idol immersion of College Square and Mohammad Ali Park to start and thereafter the timings from which the procession of the writ petitioner should start may also be mentioned. Thus, the time from 4:00 P.M. is modified and is made from 2:00 P.M. to 5:00 P.M. Further the number of participants which is about 5,000 should be reduced to 3,000. With regard to the stage also the police authority

shall consider the size and area occupied and thereafter, necessary arrangements and permissions have to be granted.

11. With the above directions, this writ petition is disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Biswaroop Chowdhury, J.)