

03.11.2025
SL. 1
Ct. No.15
S.A.

WPA 24920 of 2025

Chandi Charan Roy

-vs-

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya, Sr. adv.

Mr. Suryaneel Das

Ms. Megha Datta

Mr. Chiranjit Pal

Mr. Tamoghna Pramanick

... for the petitioner

Mr. Dhiraj Trivedi, Sr. adv.

Mr. Arijit Majumdar

...for the Union of India

Mr. Kishore Datta, Ld. A. G.

Mr. Swapan Banerjee

Ms. Sumita Shaw

Mr. Soumen Chatterjee

...for the State

Heard learned advocates for the parties.

The petitioner claims to be the District President of the political party in opposition in the State. He has filed the present writ petition challenging an order issued by the Officer-in-Charge, Khardah Police Station, 24-Parganas (North), whereby the said Officer declined to grant permission for holding a rally from Sodepur Traffic More to Tentultala More on B. T. Road, followed by a meeting scheduled to be held on November 4, 2024.

The relevant portion of the impugned order reads as follows:

“Upon careful assessment of the prevailing law and order situation and considering the heightened sensitivity of the locality, it is apprehended that holding

such a rally at this juncture may cause severe traffic congestion, public inconvenience, and a potential disturbance to public peace and order.

Hence, in view of the above, and in the interest of maintaining public peace and tranquility, and to keep order on public roads as per section 31 of the Police Act, 1861, the permission for the rally followed by a meeting, cannot be given at this stage. To this end, you are requested to take necessary action and act accordingly.

You are, therefore, advised to refrain from organizing any such congregation without prior permission and to ensure compliance with the directions issued herein.”

Needless to mention, the right to organise a rally or public meeting is not an ordinary right. It is a constitutional right guaranteed under Article 19(1) of the Constitution of India. However, the Article 19 itself authorises the State to impose reasonable restrictions on the exercise of such right in the interest of public order.

In view of the materials placed on record, I am of the opinion that the Officer-in-Charge, Khardah Police Station, was not justified in declining permission to the petitioner to organise the proposed rally and meeting scheduled to be held on November 4, 2025, at the specified venue.

Accordingly, the communication dated November 1, 2025, issued by the Officer-in-Charge, Khardah Police Station, is set aside.

The petitioner shall be permitted to organise the rally from Sodepur Traffic More to Tentultala More along B. T. Road, followed by a meeting on November 4, 2025, subject to the following conditions:

The rally and the meeting shall be held between 3:00 p.m. and 5:00 p.m.

The number of participants in the rally shall not exceed 1,000 persons.

The organisers shall ensure that no inconvenience is caused to the public at large, particularly to commuters returning home from their workplaces.

The police authorities shall deploy an adequate number of personnel to ensure maintenance of law and order during the rally and the meeting.

The organisers shall ensure that the free flow of traffic is not obstructed in any manner.

Accordingly, **WPA 24920 of 2025** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)