

03.11.2025
SL. 2
Ct. No.15
AKG

WPA 24921 of 2025

Abhijit Tah
-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. Kishore Datta, Ld. A. G.
Mr. Sirsanya Bandopadhyay,
Mr. Akash Dutta
...for the State

The present writ petition has been filed seeking permission for holding a rally from Baranilpur Morh to Curzon Gate, followed by a meeting to be held at Curzon Gate under Burdwan Police Station.

It has been submitted before this Court that approximately 8,000 persons are expected to participate in the said rally and meeting.

The learned Advocate General of the State has produced before this Court a copy of a communication issued to the petitioner. The relevant portion of the said letter is quoted below:

“It is pertinent to mention that traditional Rash Yatra festival will be celebrated in the district on and from 04.11.2025 to 08.11.2025 under Kalna & Katwa Sub division area. For this traditional event which is observed at that area for years, a large number of officer and force have already been deployed from Burdwan PS as well as from other police stations of the

district to Kalna and Katwa Sub Division for performing Law & Order duty.

Further more to mention that Mr. Subhendu Adhikary, the Leader of Opposition is a “Z” category protectee and a substantial number of officer and force are to be deployed for his necessary protection as per protocol and to ensure smooth conduct of the programme.

Moreover, the scheduled procession will pass through GT road and will thus cause massive traffic congestion. The place of street corner i.e. Curzon Gate is situated in the heart of the Burdwan Town and the place itself is insufficient to accommodate such huge number of 8000 supporters as communicated from your end.

It is also germane to mention that on the auspicious occasion of Birth Anniversary of Guru Nanak Dev Ji, multiple religious programme will be observed in Burdwan Town on 05.11.25 by Sikh community in different Gurudwaras.”

Relying on the aforesaid communication, the learned Advocate General submits that the organizers may shift the date of the rally and meeting to any date subsequent to November 8, 2025.

I am, however, not inclined to accept such a stand.

Needless to mention, the right to organize a rally or hold a meeting in a peaceful manner stands on a high constitutional pedestal, being guaranteed under Article 19(1) of the Constitution of India. Such right, however, is subject to reasonable restrictions imposed by the State.

The reasons cited in the impugned communication do not appear to justify a total denial of permission. The communication does not disclose how many Gurudwaras are situated in the immediate vicinity of the proposed venue, nor does it provide any specific ground demonstrating that the holding of the rally on November 5, 2025, would necessarily disrupt law and order.

The ground of possible traffic congestion is also not acceptable in view of the fact that the proposed rally is scheduled to be held on a holiday. The petitioner has submitted that the proposed route and venue have been traditionally used by various political parties and other organizations for holding public rallies and meetings.

The communication is bereft of any particulars regarding the number of police personnel deployed in Kalna and Katwa Sub-divisions, making it difficult to provide police personnel on November 5, 2025, even for two hours for the proposed programme.

In view of the above, I am inclined to set aside the communication dated November 3, 2025, issued by the Inspector-in-Charge, Burdwan Police Station.

The organizers shall be permitted to hold the rally and the meeting 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 shall not exceed 8,000 persons.

The organizers shall ensure that no inconvenience is caused to the public at large.

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

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

Accordingly, **WPA 24921 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.)