

24.12.2025
Court No.25
D/L No.6
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 29651 of 2025

**Jhantu Singha
Versus
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.
Ms. Sagnika Banerjee
Ms. Megha Datta
Mr. Tamoghna Pramanick

...for the Petitioner

Mr. Sirsanya Bandopadhyay, Ld. SSC

...for the State

1. The petitioner has filed the present writ application praying for a direction upon the respondent No.2 to grant permission to the petitioner and his association to use microphones and speakers during the meeting which is scheduled to be held on 28th December, 2025 from 10:00 hours to 17:00 hours at Bakra Hatchali Maidan situated at JL No. 125, Dag No. 637/788 under the Sankrail Police Station.
2. Learned counsel appearing for the petitioner submits that the petitioner has applied for grant of permission on 20th December, 2025 along with no objection of the person who is the lessee of the property in question. The petitioner has also given all the information along with application. In spite of receipt of the said application, the Sub-Divisional Officer has not granted

permission. He further submits that today is last working days of the Court and the meeting is going to be held on 28th December, 2025. In the mean time if the request of the petitioner is rejected by the authority, the petitioner has no forum to challenge the order of rejection in any Court. He prays an order directing the respondent No.2 to grant permission to the petitioner to hold the meeting and use microphones and speakers.

3. Learned counsel appearing for the State raised objection and submits that though the petitioner has submitted the application on 20th December, 2025 by email but 20th December, 2025 was Saturday. He submits that he has received an unsigned copy of the report from the Sub-Divisional Officer wherein, it reveals that on receipt of the application, immediately the Sub-Divisional Officer has called for the report from the concerned Block Development Officer as well as the Officer-in-Charge of the Sankrail Police Station. He further submits that the Sub-Divisional Officer has received the report from the Block Development Officer but is waiting for the report from the police authority and once he receive the report from the police authority, he will pass the order by 26th December, 2025.
4. Learned counsel for the petitioner in support of his submission has relied upon the judgment in the case

of ***State of West Bengal & Ors. vs. Dr. Anindya Gopal Mitra & ors.*** reported in ***1993 SCC Online Cal 126*** and submits that the Hon'ble Division Bench of this Court held that the authority ought to be allowed permission as sought for by the petitioner by imposing all such reasonable restrictions and regulatory measures as the authority thinks fit so that no breach of the peace takes place.

5. Learned counsel for the petitioner further relied upon the unreported judgment passed by this Court in the case of ***Debasish Samanta vs. The State of West Bengal & Ors.*** in ***WPA 28348 of 2025*** wherein, this Court has allowed the petitioner to conduct the meeting as requested by the petitioner to the authorities.
6. Heard the learned counsel for the respective parties. This Court finds that the petitioner has applied for grant of permission to use microphones and speakers during the meeting which is scheduled to be held on 28th December, 2025 from 10:00 hours to 17:00 hours at the place mentioned above. The report of Sub-Divisional Officer reveals that on receipt of the request the Sub-Divisional Officer has received report from the Block Development Officer but he is waiting report from the police authority, due to which the Sub-Divisional Officer has not passed any order. Learned counsel for the State prayed for a direction upon the

respondent authorities to dispose of the application of the petitioner in a certain period.

7. This Court finds that the similar submission made on the earlier occasion in other writ petition and this Court has directed the Sub-Divisional Officer to consider the application and dispose of the application filed by the petitioner for grant of permission but at the 19th Hours the authority rejected the request of the petitioner. In this case this Court finds today is the last working day before the winter vacation and the Vacation Bench will be held on 29th December, 2025. If the respondent No.2 rejects the request of the petitioner, the petitioner will not get any forum to challenge the said order.
8. Taking into special circumstances, the respondent No.2 is directed to grant permission to the petitioner and his association to use the microphones and speakers during the meeting scheduled to be held on 28th December, 2025 from 10:00 hours to 17:00 hours at the place mentioned above. The petitioner is directed to see that while holding meeting the law and order and the peace of the area shall not be disturbed. The authorities are also directed to make necessary arrangements for proper maintenance of law and order. The Sub-Divisional Officer is directed to keep strict vigil at the time of meeting of the petitioner, scheduled

to be held on 28th December, 2025 from 10:00 hours to 17:00 hours at the place mentioned above.

9. WPA 29651 of 2025 is disposed of.
10. As the writ petition is disposed of without calling the affidavit, the allegation made by the petitioner deemed to have been denied.
11. After dictating the order, the learned counsel for the State has prayed for the stay of the impugned order on the ground that this Court is not having the determination of police in-action or non-action.
12. This Court finds that the main prayer of the petitioner for grant of permission by the respondent No.2, i.e., the Sub-Divisional Officer. This Court has directed the Sub-Divisional Officer to grant permission and even though this Court has passed any order against the police authority, the common cause of action can be decided by this Court.
13. Accordingly, the prayer for stay of the order is refused.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)