

31.12.2025
Item No.JPD 1
Ct. No.7
RP

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

**WPA No.2755 of 2025
Protip Roy Basunia
Vs.
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Suryaneel Das
Ms. Megha Datta
Mr. Tamoghna Pramanick
...For Petitioner

Mr. Vivekananda Bose, Jr. Govt. Adv.
Mr. Somnath Naskar
Mr. Aniruddha Sen
...For Respondents

1. Learned advocate for the petitioner and learned advocate for the respondent no.1/State of West Bengal are present.
2. Heard the learned advocates for the parties.
3. Mr. Bhattacharyya, learned senior advocate for the petitioner submits that the petitioner after obtaining permission to use a government land for the purpose of temporary use of one day on 26.12.2025 has made a representation before the Sub-Divisional Officer, Cooch

Behar Sadar, Cooch Behar to hold a public meeting on the said government land on 02.01.2026. It is the contention of the writ petitioner that the said representation was not considered although it was submitted on 26.12.2025 and the date of the meeting was specified therein as on 02.01.2026.

4. Learned advocate appearing for the respondent no.1/State of West Bengal submits that the said application was not given in a prescribed format as was the requirement at that stage and relies upon the report submitted by the police authority. He further submits that within this short period of time there is no scope for the authority to decide on the issue of permission.
5. Learned advocate for the petitioner relies upon a decision in the case of Dr. Anindya Gopal Mitra & Anr. vs. State of West Bengal & Ors. reported in 1993 SCC OnLine Cal 124. Learned advocate for the

respondent no.1 has relied on a decision in the case of Ramlila Maidan Vs. Home Secretary, Union of India reported in 2012(5) SCC 1.

6. Upon considering the submission of the learned advocates for the parties and upon considering the facts of the case, this Court is of the view that the time within which the application was submitted before the authority for permission was not a reasonable time granting opportunity to the authority to take a suitable decision. However, as the learned advocate for the petitioner submitted that prior to obtaining permission on 26.12.2025 for use of the government land no such permission can be prayed for to hold a public meeting, this Court is of the view that this writ petition should be considered.

7. Upon considering the decisions relied upon by the learned advocates for the parties and considering the facts of the

case and considering the fact that necessary permission with regard to a particular land to hold for a particular purpose was obtained by the writ petitioner and considering the aspect of fundamental right this Court is of the view that the writ petitioner may be permitted to hold a meeting on 02.01.2026 from 2 P.M. to 6 P.M. as mentioned in the representation dated 26.12.2025 and in paragraph 3 of the writ petition. However, the number of participants should be brought down to 2500, the usage of loudspeaker should be reduced to 20 and there may be 08 speaker boxes. It is expected that in subsequent events the writ petitioner shall make application for necessary permission within a reasonable time and in the prescribed format.

8. With the aforementioned observation and direction this writ petition is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be delivered to the

learned advocates for the parties, upon compliance of all formalities.

(BISWAROOP CHOWDHURY, J.)