

ADSL 1
28.01.2026
Court. No. 25
suvayan

WPA 1895 of 2026

Prosenjit Basak
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh

...for the petitioner.

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kr. Nag
Mr. Akash Dutta

...for the State.

1. The petitioner being the Secretary of West Bengal Disaster Management and Civil Defence Fighter's Association made a request to the Chief Secretary and the Joint Commissioner of Police on January 22, 2026 for grant of necessary permission for day and night sit in peaceful demonstration in front of Vidyasagar Statue, College Street from January 28, 2026 to February 11, 2026 continuously by using loudspeaker and erecting stage. Subsequently, on January 24, 2026, the petitioner has revised his prayer and requested the Joint Commissioner of Police to arrange an opportunity to meet the Hon'ble Chief Minister of West Bengal or the Hon'ble Chief Secretary of West Bengal on or before January 30, 2026 directly for submitting his representation with regard to the long pending demands of the Association and if the administration will allow the meet the Hon'ble Chief Minister of West Bengal or the Hon'ble Chief Secretary, the petitioner will withdraw the protest as requested by a letter dated January 21, 2026.

2. On January 26, 2026 by an email the request of the petitioner to hold protest was rejected and accordingly, the petitioner has filed the present writ application.
3. Learned counsel for the petitioner submits that the petitioner is having old grievances which have not been taken into consideration by the State authorities and as such the petitioner intending to hold the demonstration day and night in front of the Vidyasagar Statue, College Street, Calcutta University, Kolkata.
4. Learned counsel for the State has raised objection and submits that by an order dated January 21, 2026 the College Street from M.G. Road crossing to Medical College and Hospital (College Street and Surya Sen Street crossing) is brought under the purview of Sub-Section (2) of Section 163 of BNSS, 2023 for 60 days from 25.01.2026 to 25.03.2026. He further submits that the College Street is a congested area and from February 2, 2026 Madhyamik, CBSE and ICSE examination were also started if the petitioner will allow to hold the demonstration on the said place, the school students and other offices and hospitals will be effected.
5. Learned counsel for the State further submits that that from January 19, 2026 to January 21, 2026, the petitioner was already hold the demonstration at Ramlila Maidan and within the 10 days again the petitioner intending to hold day and night sit demonstration. Thus it is not possible for the State to grant permission for every time to the petitioner to hold the demonstration.

6. Now the petitioner has proposed to hold the day and night sit in peaceful demonstration at College Square at the road facing Bankim Chatterjee Street on and from January 29, 2026 till February 8, 2026.
7. Learned counsel for the State further raised objection and submits that if the petitioner will apply for the same the permission can be granted but not till February 8, 2026 it can be granted February 1, 2026 as on and from February 2, 2026 the Madhyamik, CBSE and ICSE examination is going to be commenced. He further submits that the petitioner is intending to hold demonstration day and night but the said issue is pending before Hon'ble Division Bench of this Court.
8. Heard the learned counsel for the respective parties perused the application, and the document relied by the parties.
9. Though the rejection order does not reflect any reason why the request of the petitioner for grant permission to hold day and night sit in peaceful demonstration from January 28, 2026 to February 11, 2026 but at the time of hearing of the present application, the learned counsel appearing for the State has shown the order wherein it reveals that the College Street is being declared under Section 163 of BNSS and the Madhyamik, CBSE and ICSE examination was also going to be started from February 2, 2026.
10. In view of the above, the petitioner is given liberty to apply for holding day and night sit in peaceful demonstration from January 29, 2026 to February 8,

2026 before the competent authority immediately and on receipt of the said application, the concerned authority shall allow the petitioner to hold day and night sit in peaceful demonstration within the College Square at the road facing Bankim Chatterjee Street on and from January 29, 2026 at 10.00 a.m. to February 8, 2026, 5.00 p.m. with the following conditions:-

- i) The number of participants in the sit-in demonstration shall not be more than 70 persons.
- ii) The speeches capable of inciting violence, provocative speeches and abusive language will not be permitted.
- iii) Name of the volunteers should be well furnished by the petitioner to the concerned authority by today on or before 8.00 p.m.
- iv) The participants in the said programme shall act in a manner to ensure that there is no damage to public property, assault on any Government Servant or any other transgression of law.
- v) The participants shall act in a manner to ensure that no inconvenience whatsoever shall be caused to the public at large, no obstruction is to be created to free flow of traffic, free access to any thoroughfare or building, Ambulance, Fire Brigade or persons entitled thereto.
- vi) The participants at the programme should be dispersed immediately after the specified date on conclusion of the programme.

- vii) All existing rules in vogue should strictly be adhered to.
11. The concerned Officer-in-Charge of Police Station shall made necessary arrangement so that the petitioner shall not violate any law and the peace of the said area cannot be disturbed.
 12. This Court is not inclined to allow the petitioner to use any loudspeaker due to the reason that from February 2, 2026 the Board Examination is going to be started, only tomorrow at 10 a.m. to 4.00 p.m. loudspeaker will be allowed with the permitted volume.
 13. WPA 1895 of 2026 is disposed of.
 14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)