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jdt. 27.02.2026
jb.

WPA 4984 of 2026

**Bharatiya Janata Party & anr.
Vs.
The State of West Bengal & ors.**

**Sr. Adv. Kumarjyoti Tewari,
Sr. Adv. Nilanjan Bhattacharjee,
Adv. Brajesh Jha,
Adv. Loknath Chatterjee,
Adv. Rajendra Banerjee,
Adv. Vikash Singh,
Adv. Ajit Kumar Mishra,
Adv. Tarunjyoti Tewari,
Adv. Abhishek Dey,
Adv. Rashmi Singhee,
Adv. Sudarshan Kumar Agarwal,
Adv. Anushka Ghosh,
Adv. Aniruddha Tewari,
Adv. Kanchan Jaju,
Adv. Ditsha Dhar,
Adv. Anushka Chatterjee,
Adv. Sreha Das,
Adv. Debanjan Paul,
Adv. Amrit Sinha,
Adv. Aryak Dutta,
Adv. Gouranga Das,
Adv. Ashima Roy Chowdhury**

...for the petitioners.

**Sr. Adv. Kishore Datta, Ld. A.G.,
Adv. Sirsanya Bandopadhyay,
Adv. Vivekananda Bose,
Adv. Akash Dutta,**

...for the State.

The petitioners who are members of a particular political dispensation seek to organise political programmes/meetings in various districts of West Bengal on 1st March, 2026 and 2nd March, 2026 from 2 pm to 6 pm. Though such permission has been accorded by the police

authority at Durgapur, the police authorities of the other districts have not granted such permission till date.

Placing reliance on the authority in ***Himat Lal K. Shah vs. Commissioner of Police, Ahemedabad and Another*** reported in ***(1973) 1 Supreme Court Cases 227***, learned counsel for the petitioners submits that the right of assembly which flows from Article 19 of the Constitution of India cannot be taken away or abridged by the State.

Vehemently opposing such prayer, learned counsel for the State submits that applications were made before the police authority as recently as on 23, 24, 25th February, 2026. The writ petition has been filed on 26th February, 2026. Referring to the authority in ***Himat Lal (supra)*** learned counsel submits that though the Hon'ble Supreme Court has observed that the State cannot impose any unreasonable restriction on the right to hold public meetings which flows from Article 19 of the Constitution of India, previous permission is required to be obtained for holding such public meetings at a public place and State or local authority can regulate its property in order to serve its public purposes, there being constitutional difference between reasonable regulation and arbitrary exclusion. Learned counsel submits that the appropriate authority has the power to impose reasonable regulation in order to assure the safety and convenience of the people and such right of the petitioners cannot be unconditional as a necessary incident of the fundamental rights of either free speech or of assembly.

Learned counsel further submits that due to SIR operation going on in the State, there is extremely dearth of police personnel and sufficient security cannot be provided to the participants on the relevant dates.

I have considered the rival contention of the parties.

It is not in dispute that the right of assembly is a fundamental right of the citizen flowing from Article 19 of the Constitution of India. Though the application has been made on behalf of a particular political dispensation, the dispensation comprises individuals who are undoubtedly citizens.

Also, this Court is informed that political rallies have been held by the ruling political dispensation even after commencement of the SIR process which is continuing in terms of the directions of the Hon'ble Supreme Court.

Since the petitioners seek to organise political programmes in the districts as stated in the present application on 1st March, 2026, 2nd March, 2026, this Court is inclined to hold that they may be permitted to organise the same subject to following conditions:

1. The number of participants in each programme shall not exceed 1000 at any given point of time;

2. The meetings shall commence at 2 pm and conclude at 6 pm.

3. The participants shall not overshoot the time under any circumstance.

4. Sound system used shall be within the permissible limits as prescribed by the Hon'ble High Court, Calcutta and West Bengal Pollution Control Board;

5. Speeches capable of inciting violence, provocative speeches and abusive language will not be permitted;

6. The petitioner shall furnish the names of 20 volunteers along with their mobile phone numbers before the police authority by 6 pm tonight. The volunteers shall be responsible in the event of any violation or untoward incident and shall maintain continuous liason with the police personnel.

7. The participants shall not obstruct traffic/vehicular movement and shall not spill over beyond the venue so as to cause any road blockade.

8. Sufficient number of police personnel should be deployed in and around each venue in order to ensure maintenance of law and order.

9. The participants shall act in a manner to ensure that there is no damage to public property, assault on any Government servant or any transgression of law.

10. The participants shall abide by the instruction of the on duty police officers and shall act in a manner to ensure that no inconvenience whatsoever is caused to the public at large;

11. The participants shall disperse within one hour of conclusion of the programme.

12. The place shall be appropriately cleaned and restored to its normal position within 24 hours of the programme.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)