

Form No. J(2)
Item No. DL/1
ARPAN – A.R. (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 8792 OF 2026

SANGRAMI JOUTHA MANCHA AND OTHERS

Vs.

STATE OF WEST BENGAL AND OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Joydeep Kar, Sr. Adv. Mr. Bilwadal Bhattacharyya, Sr. Adv. Mr. Bikram Banerjee, Adv. Mr. Sudipta Dasgupta, Adv. Mr. Sutirtha Nayek, Adv. Mr. Baibhav Roy, Adv.
For the State	: Mr. Kishore Dutta, AG Mr. Swapan Banerjee, AGP Mr. Diptendu Narayan Banerjee, Adv. Ms. Sumita Shaw, Adv. Mr. Sauman Chatterjee, Adv.
For the ECI	: Ms. Anamika Pandey, Adv.
Hearing concluded on	: 10.04.2026
Judgment On	: 10.04.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
Supplementary affidavit affirmed on 9th April, 2026 filed on behalf of the petitioners is also taken on record.

2. Matter is heard at length in presence of the learned advocates representing the petitioners, State respondents and Election Commission of India.
3. An organization of West Bengal State Government employees, namely, Sangrami Joutha Mancha (for short, '*Mancha*') has approached this Court with the present writ petition, *inter alia*, praying for a direction which would facilitate the said Mancha to organize a meeting and rally/ procession at Hazra more. Route of the said procession is indicated in the application dated 2nd April, 2026, *i.e.*, from Hazra More to Harish Mukherjee Road to Debendra Ghosh Road to S.P. Mukherjee Road and then the rally will return back to Hazra More. It is also mentioned that the programme was proposed to be organized on 12th April, 2026 at 12:05 p.m. and same would be concluded by 5:00 p.m. and number of participants is indicated as three thousand.
4. Though the application was made on 2nd April, 2026 addressed to the Joint Commissioner of Police (HQ), Lalbazar, Kolkata but no response was provided to the Mancha which prompted said Mancha to approach this Court.
5. Mr. Joydip Kar, learned Senior Advocate representing the Mancha submits that after filing of this writ petition on 8th April, 2026 one response came from the concerned police authority *vide* e-mail letter dated 8th April, 2026, which is annexed to the supplementary affidavit filed today, whereby in consideration of the application of the Mancha

dated 2nd April, 2026, a proposal was given which would permit the Mancha to convene meeting and rally at one of three alternative places in Kolkata. Reasons for proposing alternative places to hold programme based on application of the petitioner dated 2nd April, 2026 are delineated in the said e-mail letter dated 8th April, 2026.

6. It is submitted on behalf of the Mancha that right to stage sit-in demonstration/ meeting and conduct rally is enshrined under Article 19(1)(b) of the Constitution of India and same can be regulated by certain reasonable restrictions. However, in the present case, the reasons assigned for proposing alternative places to hold such programme are not tenable since political parties and other organizations are being permitted to hold similar programme at Hazra More in South Kolkata; therefore, why Mancha will be deprived of.
7. In support of such contention, reliance is placed on the order passed by a co-ordinate Bench on 15th January, 2026 in a writ petition being **WPA 736 of 2026 (Sankar Ghosh vs. State of West Bengal and Others)**. It is submitted on behalf of the Mancha that the decision in **Sankar Ghosh (supra)** was not interfered with by the Hon'ble Division Bench while disposing of intra-Court appeal on 29th January, 2026 being **MAT 67 of 2026 (Sankar Ghosh vs. The State of West Bengal and Others)**.

8. Prayer is made in this writ petition to permit the Mancha to hold a meeting and rally/ procession at the place indicated in the application dated 2nd April, 2026 addressed to the concerned police authority.
9. Mr. Kishore Dutta, learned Advocate General representing the State respondents opposes the writ petition and submits that it is not a case where straightway application of the Mancha was rejected thereby depriving the Mancha to hold meeting and rally. In other way, it is contended had it been blanket refusal of permission by the concerned police authority then it could have been agitated before this Court that right of the Mancha to hold meeting and rally is infringed.
10. It is further submitted on behalf of the State respondents that in the present case, *vide* e-mail letter dated 8th April, 2026 three alternative places were proposed by the concerned police authority where Mancha could convene meeting and rally.
11. According to the State respondents, it is spelt out in the e-mail letter dated 8th April, 2026 that the place where Mancha decided to hold meeting and rally comes under the prohibitory order passed under Section 163 of Bharatiya Nagarik Suraksha Sanhita, 2023. Furthermore, proposed route of rally would pass through critical traffic corridors and hospital zones and giving permission to hold such rally is likely to cause serious traffic congestion, public inconvenience and disruption of patient movements; that would adversely affect maintenance of public order and essential services.

12. In support of the arguments advanced on behalf of the State respondents, reliance is also placed on the judgment of the Hon'ble Division bench dated 29th January, 2026 passed in **Sankar Ghosh** (*supra*).
13. It is also contended on behalf of the State respondents in reference to paragraph 42 of the judgment of the Hon'ble Supreme Court reported **in (1973) 1 SCC 227 (Himat Lal K. Shah vs. Commissioner of Police, Ahmedabad and Another)** that right enshrined under Article 19(1)(b) of the Constitution can be regulated in the interest of all so that all can enjoy the right.
14. Sum and substance of the arguments advanced on behalf of the State respondents is that in the present case, as the concerned State authority has indicated three alternative places for holding meeting and rally, it ought not to be inferred that right guaranteed under Article 19(1)(b) of the Constitution of India is infringed and there is no illegality in proposing alternative places for holding programme.
15. Taking cue from the submissions made on behalf of the State respondents, this Court appreciates concern expressed by the concerned State authority in their e-mail letter dated 8th April, 2026 that if proposal of the said Mancha is accepted for holding meeting and rally as it emanates from the application dated 2nd April, 2026 addressed to the concerned police authority, same may affect maintenance of public order and essential services. But this Court is of

the view that a balance needs to be struck which will not affect right of said Mancha to hold programme and at the same time police authorities will not find it difficult to maintain public order and essential services.

16. It is trite that right to hold meeting and rally is relatable to Article 19(1) (b) of the Constitution but that is subject to reasonable restrictions. This was also enunciated in paragraph 42 of **Himat Lal K. Shah** (*supra*).
17. On behalf of both the parties, reliance is placed on the order dated 15th January, 2026 passed in **Sankar Ghosh** (*supra*) wherein the co-ordinate Bench taking note of the objections raised on behalf of the respondent authorities permitted the petitioner to hold meeting/ sit-in demonstration at a place which is few meters away from Nabanna on a particular date and time. Decision of the co-ordinate Bench in **Sankar Ghosh** (*supra*) was assailed in appeal and the Hon'ble Division Bench in judgment dated 29th January, 2026 refused to interfere with the directions of the co-ordinate Bench and the appeal preferred was dismissed.
18. Considering the respective submissions made on behalf of the parties and taking note of the judgment of the co-ordinate Bench dated 15th January, 2026 in **Sankar Ghosh** (*supra*) which was not interfered with by the Hon'ble Division Bench, this Court permits said Mancha to hold sit-in demonstration on 12th April, 2026 at Hazra More (crossing) which

does not fall within the ambit of the order passed under Section 163 of Bharatiya Nagarik Suraksha Sanhita, 2023 with the following conditions:

- a. The Mancha shall not convene any procession or rally;
 - b. Sit-in demonstration shall be participated by 1000 (one thousand) participants at a time;
 - c. Duration of said Sit-in demonstration shall be from 1:00 pm to 4:00 pm;
 - d. Sit-in demonstration shall be organized in a manner that will not choke the traffic movements at Hazra More (crossing) in any manner;
 - e. Participants in the sit-in demonstration shall follow the sound norms;
 - f. Concerned police authorities are directed to deploy adequate number of personnel and will keep vigil so that no untoward incident takes place.
19. With the aforesaid observations and directions writ petition stands disposed of.
20. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)