04. 05.10.2026
(M/L) CT. NO. 05
(ARPAN-A.R.CT.)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 28537 OF 2026

COMMUNIST PARTY OF INDIA (MARXIST)
RAJARHAT-NEWTOWN ASSEMBLY COMMITTEE
AND OTHERS
VS.
STATE OF WEST BENGAL AND OTHERS

.....

Mr. Bikram Banerjee, Adv.
Mr. Sudipta Dasgupta, Adv.
Mr. Sutirtha Nayek, Adv.
Mr. Baibhav Roy, Adv.

... *For Petitioners*

Mr. Billwadal Bhattacharyya, AAG
Mr. Anish Kumar Mukherjee, Adv.
Ms. Megha Datta, Adv.

... *For State*

1. Affidavit-of-service filed on behalf of petitioners is taken on record.

2. Petitioner nos.2 & 3 being members of petitioner no.1 political party have approached this Court with the present writ petition seeking direction upon the concerned police authority to convene a meeting on 7th October, 2026 under the jurisdiction of New Town Police Station. It is submitted that two separate programmes were decided to be convened on 7th October, 2026 and 9th October, 2026 and in this regard, applications were made in prescribed *pro-forma* both dated 26th September, 2026 addressed to the Commissioner of Police, Bidhannagar Police Commissionerate.

3. Mr. Bikram Banerjee, learned advocate representing petitioners submits that in spite of making applications one after another necessary permission was not accorded thereby compelling petitioners to approach this Court with the present writ petition seeking

direction which would permit petitioners to convene programme on 7th October, 2026 and 9th October, 2026.

4. However, during course of hearing, it is submitted on behalf of petitioners that petitioner no.1 political party has decided not to convene programme on 9th October, 2026 and liberty is prayed for which would permit petitioner no.1 political party to convene the said programme after Diwali.

5. Mr. Billwadal Bhattacharyya, learned Additional Advocate General representing State respondents has opposed the prayer of petitioners seeking direction from this Court for convening meeting on 7th October, 2026 based on application dated 26th September, 2026. It is submitted that New Town is a satellite township and holding meeting within the vicinity of New Town-Rajarhat may not be encouraged as it would cause inconvenience to daily commuters to attend their place of work and to return to their residence at the end of day's work; instead certain other places are suggested before this Court on instruction at New Town-Rajarhat area for convening the said meeting.

6. After considering the respective submissions made on behalf of parties this Court needs to strike a balance which will facilitate police authorities to manage flow of traffic on a working day and also to protect democratic right of petitioner no.1 political party to convene programme in terms of their application dated 26th September, 2026. In this regard, this Court finds it apt to rely upon 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)***. It was observed therein that right enshrined under Article 19(1)(b) of the

Constitution of India can be regulated in the interest of all so that all can enjoy right.

7. On perusal of application dated 26th September, 2026 by which petitioners have prayed for convening a mass meeting, it appears that such meeting was proposed to be held at Narkelbagan Service Road-Magic Stand on 7th October, 2026. Time indicated in the application is 5:00 PM to 8:30 PM for convening such programme.

8. On behalf of State respondents, it is contended that timing indicated in the application needs to be changed otherwise it would cause inconvenience to daily commuters on a working day.

9. As Narkelbagan Service Road-Magic Stand falls just beside Main Road nearby to Biswa Bangla Gate and the Main Road is adequately wide, petitioners are permitted to hold meeting on Narkelbagan Service Road-Magic Stand subject to following conditions:

i) *Petitioners shall be permitted to hold meeting at Narkelbagan Service Road-Magic Stand on 7th October, 2026 in between 3:30 PM and 5:30 PM with two hundred (200) participants;*

ii) *Participants of said meeting under no circumstances shall block the adjacent Main Road;*

iii) *While convening meeting petitioners shall follow sound limits;*

iv) *During meeting no inflammatory statement shall be made leading to political tension;*

v) *For convening meeting petitioners shall be permitted to raise one temporary small stage and that will also be dismantled just after the meeting;*

vi) *After convening meeting place shall be vacated immediately;*

vii) *Names of five volunteers and their mobile number shall be shared with Inspector-in-Charge, New Town Police Station being respondent no.4 by 12 noon tomorrow, 6th October, 2026 and these volunteers will be responsible for convening said meeting strictly in terms of order passed today;*

viii) *Concerned police authorities shall depute adequate police personnel to maintain law and order situation and to see that no untoward incident takes place;*

ix) *Inspector-in-Charge, New Town Police Station is directed to provide protection thereby permitting organizers to hold programme peacefully;*

x) *Necessary assistance and protection shall also be provided for permitting electricians and decorators to take back their items without any hindrance.*

10. Petitioners shall be at liberty to approach concerned police authority, in accordance with law, for seeking permission to convene other programmes.

11. With the aforesaid directions writ petition stands disposed of.

12. Learned advocates representing petitioners and State respondents are directed to communicate gist of this order to the Inspector-in-Charge, New Town Police Station immediately without waiting for server copy of the order.

13. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)