

Form No. J.(2)
Item No. DL/4
adeb - AR (CT)
Ct. No. 05

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 24201 of 2026

Abdus Salam Mondal

Vs.

The State of West Bengal & Ors.

For the Petitioner

:

Mr. Syed Nafirul Islam
Mr. Sabyasachi Chatterjee
Mr. Mustafijur Rahaman
Md. Babul Hussain
Md. Ejaz Akhter
Mr. Apzal Ansari
Md. Taslim
Ms. Afsana Khan
Md. Nauroz Rahbar
Md. Jawaad
Mr. Manas Das
Mr. Parwez Alam Khan
Mr. Sabhaz Alam
Md. Sayed Khan
Mr. Khan Faiz Bahadur
Mr. Gauranga Ghosh
Mr. Udoy Pratap Singh
Mr. Prakash Singh
Mr. Imtiaz Akhtar

For the State

: Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Anish Kumar Mukherjee
Mr. Tamaghna Pramanick

Hearing concluded on : 03.09.2026

Judgment on: : 03.09.2026

SAUGATA BHATTACHARYYA, J:

1. Affidavit of service filed on behalf of petitioner is taken on record.
2. West Bengal State Jamiat-e-Ulama (for short 'said organization') through its General Secretary has approached this Court with this writ petition, *inter alia*, praying for direction upon concerned police authorities for permitting said organization to hold sit-in demonstration based on application made on 24th August, 2026 to the Joint Commissioner of Police (Headquarters) being respondent no. 10.
3. Mr. Sabyasachi Chatterjee, learned advocate representing said organization submits that first application was made on 20th August, 2026 addressed to respondent no. 10 seeking permission to convene sit-in demonstration on 26th, 27th and 28th August, 2026 which was turned down vide email communication dated 21st August, 2026 by respondent no. 10 citing certain difficulties and asking said organization to make further application disclosing modified programme.
4. In pursuant thereto application dated 24th August, 2026 was submitted for convening sit-in demonstration on 6th, 7th and 8th September, 2026 from 10:00 hrs. to 17:00 hrs. beside Metro Channel with approximately 500 participants. Said application

was again turned down with a proposal to submit modified programme by another application vide email letter dated 31st August, 2026 of respondent no. 10. On being aggrieved by said email letter dated 31st August, 2026 of respondent no. 10 this writ petition is preferred seeking permission to hold sit-in demonstration based on application made by said organization on 24th August, 2026 beside Metro Channel with approximately 500 participants on three consecutive days i.e. 6th, 7th and 8th September, 2026 during 10:00 hrs. and 17:00 hrs.

5. Mr. Billwadal Bhattacharyya, learned Additional Advocate General representing State respondents has opposed this writ petition and submissions are made in order to substantiate contents of impugned email letter dated 31st August, 2026 of respondent no. 10. It is contended on three consecutive days with 500 participants at Esplanade Area if sit-in demonstration is permitted to be convened in that event daily commuters and pedestrians will find it difficult to have access to Esplanade area and residents of Kolkata will be severely hit.
6. During course of hearing it is submitted on behalf of State respondents that Raja Subodh Mullick Square may be considered as an alternative venue with maximum 250 participants on Sunday i.e. 6th September, 2026. It is also submitted that programme may be organized having duration of two hours.

7. Having considered the respective submissions made on behalf of parties this Court finds it apt to rely upon paragraph 42 of judgment of Hon'ble Supreme Court reported in **(1973) 1 SCC 227 (Himat Lal K. Shah Vs. Commissioner of Police, Ahmedabad & Anr.)** wherein it was observed right under Article 19(1)(b) of the Constitution can be regulated in the interest of all so that all can enjoy the right. Therefore, right of said organization to convene sit-in demonstration has to be considered qua right of other residents of Kolkata and to keep traffic flow at Esplanade Area normal.
8. Taking note of suggestions made on behalf of State respondents and giving credence to the application made on behalf of said organization dated 24th August, 2026 seeking permission before respondent no. 10 to convene sit-in demonstration, Court permits said organization to convene sit-in demonstration on following terms:-
- i) Sit-in demonstration shall be organized on Sunday, 6th September, 2026 with approximately 400 participants.
 - ii) By tomorrow, 4th September, 2026, 6 p.m. petitioner shall share particulars and mobile numbers of 20 volunteers of said organization who will be responsible for organizing programme on 6th September, 2026 in terms of today's order, with respondent no. 10.

- iii) During this programme participants will not carry and brandish any arms and weapons.
- iv) Said organization while convening sit-in demonstration shall adhere to sound norms.
- v) Said organization shall be permitted to erect one temporary stage which will be dismantled immediately after the programme.
- vi) Said organization shall restore normal condition of Raja Subodh Mullick Square on the same day after the programme on 6th September, 2026.
- vii) Adequate number of police personnel shall be deputed to maintain law and order and to see that no untoward incident takes place.
- viii) Participants shall be dispersed immediately after the programme.
- ix) Duration of programme will be for four hours from 11 a.m. to 3 p.m.
- x) While convening sit-in demonstration said participants shall not incite slogans or statements which will lead to communal tension.
- xi) Since Court has directed based on suggestion made on behalf of State respondents to organize sit-in demonstration at Raja Subodh Mullick Square on 6th September, 2026 other

concerned Governmental organizations including Kolkata Municipal Corporation shall extend necessary cooperation for convening aforesaid programme.

9. With the aforesaid directions writ petition stands disposed of.
10. Learned advocates representing petitioner and State respondents are directed to communicate this order to respondent no. 10 immediately without waiting for server copy of the order.

(SAUGATA BHATTACHARYYA, J.)