

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA**  
**SPECIAL CIVIL JURISDICTION**  
(Appellate Side)

**W.P.A. NO 14142 OF 2026**

**KHAJUTTY SUFISM MADARIA ORGANISATION**

**VS.**

**THE STATE OF WEST BENGAL & ORS.**

**BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

For the Petitioner

:Mr. Shamim Ahammed, Adv.  
Ms. Gulsanwara Pervin, Adv.  
Mr. Arka Ranjan Bhattacharyya, Adv.  
Ms. Saloni Bhattacharjee, Adv.

For the State respondents

:Mr. Suryaneel Das, Ld. AGP  
Ms. Anita Kundu, Adv.  
Ms. Sumita Sarkar, Adv.

For the respondent no. 7

:Mr. Partha Sarathi Bhattacharyya, Sr. Adv.  
Mr. Partha Pratim Roy, Adv.  
Mr. Soumya Basu Roy Chowdhury, Adv.  
Mr. Sarbananda Sanyal  
Ms. Paulami Chakraborty, Adv.  
Mr. Samrat Chakraborty, Adv.

Hearing concluded on

: 25.06.2026

Judgment on

: 25.06.2026

**SAUGATA BHATTACHARYYA, J.:**

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. Khajutty Sufism Madaria Organisation represented by its Assistant Secretary has preferred this writ petition, *inter alia*, praying for direction upon the concerned police authorities to permit the petitioner organization to hold procession on the day of Muharram i.e. on 26<sup>th</sup> June, 2026 under Bagnan Police Station, Howrah Rural District. Petitioner organisation also seeks permission to culminate the procession to be organized on Muharram day at Khajuti Amtala Karbala Sarif.

3. Mr. Shamim Ahammed, learned advocate representing the petitioner organisation has made submission that considering facts involved in this writ petition there is no impediment in permitting the procession to be organised on Muharram day by the petitioner organisation and to culminate at Khajuti Amtala Karbala Sarif.

4. Respondent no. 7 being the President of another Muslim religious organisation namely Sufism Madaria Organisation is represented by Mr. Bhattacharyya, learned Senior Advocate who submits that issue is no more *res integra* in consideration of the judgment and order passed by a coordinate Bench on 4<sup>th</sup> July, 2025 on a writ petition being **WPA 14724 of 2025 (Sufism Madaria Organisation Vs. The State of West Bengal & Ors.)** preferred by organisation of respondent no. 7.

5. Attention of this Court has been drawn to relevant part of the judgment dated 4<sup>th</sup> July, 2025 wherein Court permitted organisations to hold Muharram processions with condition to culminate processions at a Darga instead of Khajuti Amtala Karbala

Sarif. Certain other conditions were also imposed to streamline processions, if organized by Muslim religious organisations.

6. Mr. Das, learned Additional Government Pleader representing the State respondents has filed a communication dated 24<sup>th</sup> June, 2026 of Inspector-in-Charge, Bagnan Police Station, Howrah Rural District and same is taken on record. Copies of said communication are made over to learned advocates representing the petitioner and respondent no. 7.

7. In communication dated 24<sup>th</sup> June, 2026 several issues are flagged including pendency of criminal proceedings as well as civil proceedings before the civil court. It is also disclosed that there is rivalry in between petitioner organization and respondent no. 7 organisation.

8. Shorn of unnecessary details, issue before this Court today is whether petitioner organization ought to be permitted to convene procession on the day of Muharram thereby permitting them to culminate their procession at Khajuti Amtala Karbala Sarif or not.

9. In order to find answer to the issue raised on behalf of the petitioner organization, court finds it apt to consider the judgment delivered in **Sufism Madaria Organisation** (supra). Crux of the issue in **Sufism Madaria Organisation** (supra) was whether petitioner organization or other Muslim religious organisations are permitted to convene processions on the day of Muharram and to culminate such processions at Khajuti Amtala Karbala Sarif or not. It was decided in **Sufism Madaria Organisation** (supra) vide

judgment dated 4<sup>th</sup> July, 2025 that concerned police authorities shall not grant permission to any of the applicants desirous to convene procession on the day of Muharram and to culminate their processions at Khajuti Amtala Karbala Sarif. It was also decided therein that it would be convenient for all organisations to conclude their processions at a Darga and in this regard decisions to be taken by the concerned police authorities.

10. From the submissions made on behalf of the parties, it appears that judgment dated 4<sup>th</sup> July, 2025 has not been interfered with by any higher forum till date. Therefore, this Court finds no impediment in permitting Muslim religious organisations to convene processions on the day of Muharram in terms of the directions contained in said judgment dated 4<sup>th</sup> July, 2025.

11. Therefore, petitioner and respondent no. 7 are directed to convene their processions on the day of Muharram with a rider that they will culminate their processions at a Darga as per decision of the concerned police authorities and not to culminate their processions at Khajuti Amtala Karbala Sarif.

12. Additional conditions which are required to be complied with are as follows :-

- (i) At any point of time, total number of participants shall not exceed a number of about 750 (approximately). In order to ensure that number of participants is limited to 750, petitioner and respondent no. 7 shall make

necessary announcements and/or issue leaflets, if required;

- (ii) Organisations shall intimate ten persons from amongst themselves who shall be held responsible for conducting the processions;
- (iii) On behalf of the petitioner and respondent no. 7 particulars of mobile numbers of said ten persons are to be shared with Inspector-in-Charge, Bagnan Police Station, Howrah Rural District being respondent no. 4 by 10 pm today. These persons (volunteers) shall be held responsible in the event conditions stipulated by this Court in organising Muharram processions are violated.
- (iv) The participants shall not carry or brandish any arms or weapons;
- (v) The participants and the organisers shall not use any foul language or incite violence;
- (vi) The participants shall not carry in processions any lathi, swords, knives, sticks or any kind of tool or weapon;
- (vii) The participants shall also abide by the relevant pollution norms including the sound limit. Only normal sound system shall be used. No Disc Jockey shall be allowed in the said processions;

- (viii) The participants in the procession shall not halt or pause at any place and would continue to gradually proceed towards their final destination;
- (ix) Permissions for holding processions shall be granted by the concerned police authorities in a manner that different organizations shall convene processions at different times in order to avoid any untoward incident.

In case there is any violation of aforesaid conditions, the concerned police authorities shall be at liberty to disperse the processions. Adequate police force shall be deployed at Muharram day i.e. on 26<sup>th</sup> June, 2026 in order to maintain law and order.

13. With the aforesaid observation and directions, writ petition stands disposed of.

14. Learned advocates representing the petitioner and respondent no. 7 are directed to communicate this order to the concerned police authorities for due compliance without waiting for server copy.

15. Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**