

Form No. J.(2)
Item No. DL/1
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. 24864 of 2026

Asit Mazumder

Vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Kalyan Bandopadhyay Mr. Sirsanya Bandopadhyay Mr. Rahul Kumar Singh Mr. Md. Danish Farooqui Ms. Shrobana Sengupta Ms. Sneha Sarkar Mr. Kaushik Bandopadhyay
For the State	:	Mr. Billwadal Bhattacharyya, Ld. AAG Mr. Srijib Chakraborty Mr. Suryaneel Das Ms. Megha Datta
For the Rishra Shyamaprasad Seva Samity	:	Mr. Jishnu Chowdhury Mr. Sumitava Chakraborty

Hearing concluded on : 10.09.2026

Judgment on: : 10.09.2026

SAUGATA BHATTACHARYYA, J:

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

2. Supplementary affidavit is also filed enclosing order passed by Inspector-in-Charge, Serampore Police Station dated 7th September, 2026 thereby refusing to grant permission as sought for vide application dated 1st September, 2026 to hold a political rally.
3. Matter is heard in presence of learned advocates representing parties.
4. Mr. Kalyan Bandopadhyay, learned senior advocate representing petitioner submits that in prescribed proforma an application was made on 1st September, 2026 seeking to hold political rally on 11th September, 2026 with five thousand participants during 14:00 hrs. and 17:00 hrs. It is submitted that ultimately after filing of this writ petition on 7th September, 2026 on the same day prayer of petitioner to hold rally was negated assigning certain reasons. In support of case made out in the writ petition it is contended on behalf of petitioner that other political organizations are regularly holding rally on GT Road, Hooghly but whenever petitioner's political organization prays for permission to hold rally that is repeatedly turned down. It is also submitted that rally is to be held in a manner which will keep one flank of GT Road open for ensuring vehicular movement and use by pedestrians. Therefore, holding of rally in terms of application dated 1st September, 2026 will not cause inconvenience to local residents.

5. On the contrary, Mr. Billwadal Bhattacharyya, learned Additional Advocate General has opposed this writ petition and submissions are made in order to substantiate the decision communicated by Inspector-in-Charge, Serampore Police Station on 7th September, 2026.
6. Mr. Jishnu Chowdhury, learned senior advocate representing Rishra Shyamaprasad Seva Samity has intervened in this matter and submitted that holding of rally as per application of petitioner will cause inconvenience considering width of GT Road and congestion which is found on working days.
7. On perusal of the communication of Inspector-in-Charge, Serampore Police Station which is at page 16 of supplementary affidavit goes to show that proposed route of the procession which petitioner's organization has decided to follow may impact access to Walsh Hospital and there is an establishment of Fire Brigade as well as five schools are located in and around particular area through which this procession will proceed.
8. Having considered the respective submissions made on behalf of petitioner and respondents this Court needs to strike a balance so that police authorities will not find any difficulty to manage the situation on the day programme is scheduled to be organized by petitioner's organization and democratic right of petitioner's organization can be preserved.

9. This Court finds support taking note of the observations made by Hon'ble Supreme Court in paragraph 42 of the judgment **Himat Lal K. Shah Vs. Commissioner of Police, Ahmedabad & Anr.** reported in **(1973) 1 SCC 227**. It was observed therein 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.
10. Mr. Bandopadhyay, learned senior advocate representing petitioner during course of hearing while answering certain queries of this Court has submitted that as an alternative meeting can be convened at Mahesh Jagannath Dev's Snanpiri Maidan whereas on behalf of State respondents it was suggested that rally can be convened as per date and time indicated in the application on Delhi Road. .
11. Taking note of inconvenience which local residents may face by convening rally on working day on GT Road which is narrow road suggestion made on behalf of petitioner is found to be acceptable. Instead of convening political rally/procession if a meeting is convened at Mahesh Jagannath Dev's Snanpiri Maidan in that event anxiety which has been expressed on behalf of police authorities vide communication dated 7th September, 2026 can be obviated.
12. In aforesaid conspectus petitioner is permitted to hold a meeting on 11th September, 2026 subject to following conditions:-

- i) That petitioner shall be permitted to hold meeting at Mahesh Jagannath Dev's Snanpiri Maidan on 11th September, 2026 in between 13:00 hrs. and 15:00 hrs. with 2000 (two thousand) participants.
- ii) While convening meeting petitioner shall follow sound limits.
- iii) During meeting no inflammatory statement shall be made leading to communal tension.
- iv) Concerned police authorities shall depute adequate police personnel to maintain law and order and to see that no untoward incident takes place.
- v) Organizers of said meeting shall not convene any procession on GT road and shall not block GT Road.
- vi) Names of 10 volunteers and their mobile numbers are provided at page 26 of the writ petition who will be responsible for convening meeting strictly in terms of order passed by this Court today.
- vii) After convening meeting place shall be vacated immediately.
- viii) For convening meeting petitioner shall be permitted to raise one temporary stage on 11th September, 2026 and that will also be dismantled just after the meeting.
- ix) Inspector-in-Charge, Serampore Police Station is directed to provide protection

thereby permitting organizers of meeting to hold programme peacefully. Necessary assistance and protection shall also be provided for permitting electricians and decorators to take back their items without any hindrance.

13. With the aforesaid directions writ petition stands disposed of.
14. Learned advocates representing petitioner and State respondents are directed to communicate gist of this order to the Inspector-in-Charge, Serampore Police Station immediately without waiting for server copy of the order.

(SAUGATA BHATTACHARYYA, J.)