02. 26.11.2026
(D/L) CT. NO. 05
(ARPAN-A.R.CT.)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 31905 OF 2026

SOCIALIST UNITY CENTRE OF INDIA (COMMUNIST) COMMONLY KNOWN AS SUCI (C) AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Debashis Banerjee, Adv.
Mr. Kartik Kumar Ray, Adv.
Mr. Rakesh Jana, Adv.
Mr. Apurba Kolya, Adv.

... For Petitioners

Mr. Surajit Nath Mitra, AG
Mr. Billwadal Bhattacharyya, AAG *(Via VC)*
Mr. Anish Kumar Mukherjee, Adv.
Ms. Megha Datta, Adv.

... For State

1. Writ petition is heard in presence of learned advocates representing petitioners and State respondents.

2. Socialist Unity Centre of India (Communist) commonly known as SUCI (C) being a political party through one of its members being petitioner no.2, has approached this Court with this writ petition seeking direction to hold a meeting on 29th November, 2026. It is averred in paragraph 4 of the writ petition that petitioner no.2 being the member of petitioner no.1 political party, has been duly authorized to approach this Court with the writ petition.

3. Mr. Debashis Banerjee, learned advocate representing petitioners submits that application was made on 3rd November, 2026 addressed to the Officer-in-Charge, Bakultala Police Station, Baruipur Police District,

South 24 Parganas seeking permission to hold meeting on 29th November, 2026 from 3:30 PM to 7:00 PM at Killa Durganagar More with seven hundred (700) participants. It is contended that in spite of making application on 3rd November, 2026, till date there is no response from the concerned police authority thereby permitting petitioner no.1 political party to hold meeting on 29th November, 2026, which prompted petitioners to approach this Court with this writ petition seeking permission for convening the said meeting.

4. Mr. Surajit Nath Mitra, learned Advocate General representing State respondents has placed before this Court a communication dated 26th November, 2026 of Officer-in-Charge, Bakultala Police Station, Baruipur Police District and same is taken on record.

5. It is submitted on behalf of State respondents that the proposed site where petitioner no.1 political party is contemplating to hold meeting is Killa Durganagar More, which is a busy road junction with traffic pressure at the proposed place. As a result whereof it is submitted that convening meeting at Killa Durganagar More is found to be impermissible since same will cause inconvenience to the commuters and local residents resulting in traffic snarls.

6. It further appears from the said communication dated 26th November, 2026 that an alternative site is indicated for the proposed meeting scheduled on 29th November, 2026, *i.e.*, Localhat Market Road under Bakultala Police Station. However, time of the said meeting as proposed on behalf of concerned police authority is different, that is, 1:30 PM to 3:00 PM with two-hundred fifty (250) participants.

7. Under Article 19(1)(b) of the Constitution of India petitioner no.1 political party and its members have right to assemble peacefully and conduct meeting considering their political agenda. But such right has been succinctly defined by the Hon'ble Supreme Court in ***Himat Lal K. Shah vs. Commissioner of Police, Ahmedabad and Another*** reported in ***(1973) 1 SCC 227***. In paragraph 42 of ***Himat Lal K. Shah*** *(supra)* it was observed that right enshrined under Article 19(1)(b) of the Constitution can be regulated in the interest of all so that all can enjoy right.

8. In the present case, concerned police authority has proposed an alternative site for convening meeting on 29th November, 2026. The place which has been suggested by the concerned police authority to conduct meeting is not far away from the proposed place where petitioners intend to hold meeting and the alternative site also comes under the jurisdiction of Bakultala Police Station, Baruipur Police District.

9. In aforesaid conspectus, petitioner no.1 political party is permitted to hold a meeting on 29th November, 2026 subject to following conditions:

   i) Petitioners shall be permitted to hold meeting at Localhat Market Road, P.S. Bakultala on 29th November, 2026 in between 3:00 PM and 5:00 PM with four hundred and fifty (450) participants;

   ii) While convening meeting petitioners shall follow sound limits;

   iii) During meeting no inflammatory statements shall be made leading to communal tension;

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

v) *Names of five (5) volunteers and their mobile numbers shall be shared with Officer-in-Charge, Bakultala Police Station being respondent no.5 by 27th November, 2026 at 12 noon. These volunteers shall be responsible for convening meeting strictly in terms of order passed today;*

vi) *Officer-in-Charge, Bakultala Police Station is directed to provide protection thereby permitting organizers of the meeting to hold programme peacefully. Necessary assistance and protection shall also be provided for permitting organizers to take back their items without any hindrance*;

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

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

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

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

(SAUGATA BHATTACHARYYA, J.)