

Form No. J(2)
Item No. DL/ 1-2
RANAJIT – A.R. (CT)
ARPAN – A.R. (CT)

In The High Court at Calcutta

**CIVIL APPELLATE JURISDICTION
(APPELLATE SIDE)**

**RVW 233 OF 2026
(CAN 1/ 2026)**

IN

WPA 24864 OF 2026

ASIT MAZUMDER

Vs.

THE STATE OF WEST BENGAL AND OTHERS

AND

**THE INSPECTOR-IN-CHARGE, SERAMPORE POLICE STATION
(APPLICANT)**

Vs.

ASIT MAZUMDER AND OTHERS

WITH

**RVW 234 OF 2026
(CAN 1/ 2026)
(CAN 2/ 2026)**

IN

WPA 24864 OF 2026

ASIT MAZUMDER

Vs.

THE STATE OF WEST BENGAL AND OTHERS

AND

**JAGANNATH JEW TRUSTEE BOARD AND OTHERS
(APPLICANTS)**

Vs.

ASIT MAZUMDER AND OTHERS

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BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

FOR APPLICANT : Mr. Billwadal Bhattacharyya, AAG.
(In RVW 233/ 2026) Mr. Srijib Chakraborty, Adv.
Mr. Suryaneel Das, Adv.
Mr. Sunny Nandy, Adv.
Mr. Tamoghna Pramanick, Adv.
Ms. Megha Datta, Adv.

FOR APPLICANTS : Mr. Jishnu Chowdhury, Sr. Adv.
(In RVW 234/ 2026) Mr. Aditya Mondal, Adv.

FOR STATE : Mr. Billwadal Bhattacharyya, AAG.
(In RVW 234/ 2026) Mr. Srijib Chakraborty, Adv.
Mr. Suryaneel Das, Adv.
Mr. Sunny Nandy, Adv.
Mr. Tamoghna Pramanick, Adv.
Ms. Megha Datta, Adv.

FOR WRIT PETITIONER / : Mr. Kalyan Bandhopadhyay, Sr. Adv. (*Via VC*)
RESPONDENT NO.1 Mr. Sirsanya Bandhopadhyay, Adv.
Mr. Sayan Datta, Adv.
Mr. Rahul Kumar Singh, Adv.
Mr. Md. Danish Farooqui, Adv.

HEARING CONCLUDED ON : 17.09.2026

JUDGMENT ON : 17.09.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of applicant in RVW 233/2026 is taken on record. Affidavits-in-opposition filed on behalf of writ petitioner in both the review applications are also taken on record.
2. Two review applications are taken up for consideration by placing those applications at the top of list having perused order of the Hon'ble

Division Bench dated 11th September, 2026 passed on two intra-court appeals being *MAT 1545/2026* and *MAT 1546/2026*. This Court has made an endeavour to dispose of aforesaid two review applications taking note of the observations made by the Hon'ble Division Bench in order dated 11th September, 2026.

3. *RVW 233/2026* along with application being *CAN 1/2026* are preferred by Inspector-in-Charge, Serampore Police Station (hereinafter referred to as "*review by police*") and *RVW 234/2026* along with two applications being *CAN 1/2026* and *CAN 2/2026* are preferred by Jagannath Jew Trustee Board (for short, "*Trustee Board*") and its Pradhan Sebait, President and one member (hereinafter referred to as "*review by Trustee Board*").
4. In connection with review by Trustee Board an application being *CAN 1/2026* is preferred for seeking leave to file review application against judgment dated 10th September, 2026 passed by this Court since said Trustee Board was not party to the connected writ petition. A case is made out in the said application that "*Mahesh Jagannath Dev's Snanpiri Maidan*" is owned by said Trustee Board and without formal permission being accorded to writ petitioner to hold meeting, such political meeting cannot be convened at said ground. From the submission made on behalf of learned advocates representing Trustee Board and other parties, it is indisputable that "*Mahesh Jagannath Dev's Snanpiri Maidan*" is owned by said Trustee Board. Therefore, any

meeting/ dharna or cultural programme cannot be held without permission of the Trustee Board.

5. Mr. Jishnu Chowdhury, learned Senior Advocate representing Trustee Board has relied upon judgment of the Hon'ble Supreme Court reported in **(1973) 1 SCC 227 (Himat Lal K. Shah vs. Commissioner of Police, Ahmedabad and Another)**; drawing attention of this Court to the observations made in paragraph 35, it is contended that holding any programme on private land is impermissible in absence of permission by owner. It was held by the Hon'ble Supreme Court in paragraph 35 that Article 19(1)(b) read with Article 13 of the Constitution of India protects citizens against state action but it has nothing to do with the right to assemble on private streets or properties without consent of the owners or occupiers of the private property.
6. It is contended by Mr. Kalyan Bandyopadhyay, learned Senior Advocate representing writ petitioner based on statements made in paragraphs 5(v) and 5(w) of affidavit-in-opposition used in *RVW 233/2026* that "*Mahesh Jagannath Dev's Snanpiri Maidan*" was used as a venue on several occasions in the past for holding political meetings, commercial fairs and food festivals etc.
7. While making submission on behalf of said Trustee Board convening of political meetings and other fairs alleged in said paragraphs 5(v) and 5(w) is not ostensibly denied but it is submitted that in terms of resolution adopted by the Trustee Board on 5th July, 2026, decision has

been taken not to accord permission for convening any political programme at the same venue.

8. Since it is demonstrated on behalf of Trustee Board that “*Mahesh Jagannath Dev’s Snanpiri Maidan*” belongs to said Trustee Board and no permission was accorded to hold meeting by the Board but as it was directed by this Court *vide* judgment dated 10th September, 2026 thereby permitting writ petitioner’s political party to convene a meeting on 11th September, 2026, application being CAN 1/2026 seeking leave to prefer review application and review by Trustee Board itself are allowed.
9. In review by police it has been submitted on behalf of applicant that since *vide* judgment dated 10th September, 2026 this Court permitted writ petitioner’s political party to convene meeting on 11th September, 2026 during specified time at “*Mahesh Jagannath Dev’s Snanpiri Maidan*” in absence of permission granted by said Trustee Board and directed concerned police authority to depute adequate police personnel for providing necessary assistance to hold meeting, review application is filed against judgment dated 10th September, 2026.
10. Moreover, *vide* order dated 11th September, 2026 Hon’ble Division Bench granted appellants in aforesaid two intra-court appeals liberty to file review application on the ground as quoted below:

“Whether a political or a public rally or an agitation or a Dharna or a Meeting, could have been held on the land

belonging to Jagannath Jew Trustee Board, said to be a private land?”

11. At the cost of repetition, it is recorded that from the submissions it is found that “*Mahesh Jagannath Dev’s Snanpiri Maidan*” is owned by said Trustee Board and taking note of observations made by the Hon’ble Supreme Court in paragraph 35 of **Himat Lal K. Shah** (*supra*) without permission being accorded by said Trustee Board meeting/rally/dharna or cultural programme cannot be conducted on private land. Review by police is also allowed.
12. In view of aforesaid observations made on two review applications, Court is required to consider prayer couched in the connected writ petition afresh in order to find out whether writ petitioner’s political party can be permitted to hold a programme on public land or not.
13. Mr. Kalyan Bandyopadhyay, learned Senior Advocate representing writ petitioner on virtual mode submits that writ petition was filed in order to get permission from the Court to hold a political rally on a part of G.T. Road, which comes under the jurisdiction of Serampore Police Station, Hooghly. However, at the same time it is submitted that if it is found that convening a rally on G.T. Road is not feasible, in that event, writ petitioner’s political party needs to be permitted to hold a meeting on a public land. In this regard, reliance is placed on paragraphs 70 and 71 of **Himat Lal K. Shah** (*supra*) in order to contend that in terms of the relevant provisions enshrined in Part III of the Constitution of India democratic right of a political party needs to be preserved thereby permitting to hold its programme.

14. This Court *vide* judgment dated 10th September, 2026 held while considering the objections raised on behalf police authority that due to presence of Walsh Hospital, educational institutions and Fire Brigade establishment and taking note of width of G.T. Road, political rally on G.T. Road would cause inconvenience to local residents as a result whereof writ petitioner's political party was permitted to hold meeting on a particular date at particular time following certain restrictions. Therefore, while considering said writ petition again as two aforesaid review applications are allowed, Court has to consider the prayer of writ petitioner's political party to hold meeting instead of rally that too on a public land after taking note of contentions to be raised on behalf of State respondents.
15. Mr. Billwadal Bhattacharyya, learned Additional Advocate General representing applicant in review by police as well as State respondents on instruction submits that Serampore Court Ground may be considered for convening meeting by writ petitioner's political party on Sunday or any other public holiday.
16. Taking cue from the submissions made on behalf of State respondents, Court finds that as 26th September being the fourth Saturday in the month of September, 2026, is a holiday when court will remain closed; writ petitioner's political party can be permitted to hold meeting at Serampore Court Ground on 26th September, 2026 subject to following conditions:

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- i) *Writ petitioner shall be permitted to hold meeting at Serampore Court Ground on 26th September, 2026 during 16:00 hours and 18:00 hours;*
 - ii) *While convening meeting writ petitioner shall follow sound limits;*
 - iii) *During meeting no inflammatory statements shall be made leading to communal tension;*
 - iv) *Concerned police authority shall depute adequate number of 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 G.T. Road and shall not block G.T. Road;*
 - vi) *Names of ten volunteers and their mobile numbers shall be provided by writ petitioner to police authority who will be responsible for conducting meeting strictly in terms of order passed today by 6:00 PM, 24th September, 2026;*
 - vii) *Since it is submitted on behalf of police authority that a Z+ category protectee may attend the meeting on 26th September, 2026 and for providing security arrangements few norms are required to be followed including keeping a buffer zone in between stage and congregation and taking note of size of Serampore Court Ground, meeting shall be held with one thousand (1000) participants;*
 - viii) *For convening meeting writ petitioner shall be permitted to raise one temporary stage on 26th 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;*
- x) *Necessary assistance and protection shall also be provided for permitting electricians and decorators to take back their items without any hindrance;*
- xi) *Learned District Judge, Hooghly is requested to provide necessary permission for convening the meeting on 26th September, 2026;*

17. With the aforesaid observations and directions, judgment passed by this Court on 10th September, 2026 stands reviewed and modified.
18. RVW 233/2026 along with CAN 1/2026 as well as RVW 234/2026 along with CAN 1/2026 and CAN 2/2026 are disposed of in terms of aforesaid directions.
19. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)