

Form No.J(2)

(S. Banerjee/ Sayandeep)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Harish Tandon

And

The Hon'ble Justice Hiranmay Bhattacharyya

WPA(P) 372 of 2024

Mayukh Biswas

Vs.

The State of West Bengal & ors.

For the petitioner : Mr. Sabyasachi Chatterjee, advocate
Mr. Pintu Karar, advocate
Mr. Badrul Karar, advocate
Mr. Imtiaz Akhtar, advocate
Mr. Kiran Sk. , advocate

For the respondents : Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Debangshu Dinda, advocate

Heard on : 27th August, 2024

Judgment on : 27th August, 2024.

Harish Tandon , J:

1. The sport activities are part of human life that not only brings joy and pleasure but inculcate a sense of discipline as well into a sportsperson. Any sporting activity or the game has a support from various persons who cheers its team as well as its members which is an integral part of any sporting activity. Cheering at times are done with spoken words and sometimes through written materials percolating the manifestation of their support

for a particular team in the field of a sport. It is so acknowledged throughout the world provided it does not cause any inconvenience or encroach upon the right of supporters of the rival team. The word 'TIFO' is adopted globally, having Italian origin, to mean a flag, picture etc. held by the supporters of a team in a football match. It further inculcate good-humours of the supporter not only to boost the players of the team which they support but, at times bring enjoyment to the supporters during the match. Obviously, these activities are acclaimed as the sports activities of enjoyment and amusement but also inculcating a sense of discipline and, therefore, the supporters by using 'TIFO' are more responsive and used it for showing support to the team or its members to encourage them in order to achieve the desired result as expected by the said supporters. The crowd support happens at crucial moments viz taking a free kick, penalty shootout and encouragement from supporters brings better team cohesion and positive attitude.

2. The petitioner has approached the Court assailing the memo dated 26.08.2024 issued by the Joint Commissioner of Police (Headquarter), Bidhannagar, prohibiting the 'TIFO' or drums, smoke candles or other inflammable materials to be brought inside the stadium during the said match. The petitioner is conscious of the situation which may turn out to be otherwise and candidly admitted that so far as smoke candles and other

inflammable materials are concerned, they have no objection to the same as the same should not be allowed to be carried inside the stadium during a match.

3. However, in course of hearing , Mr. Chatterjee, learned counsel appearing for the petitioner further submits that the drums or beating of the drums may at times cause noise pollution and, therefore, should not be carried inside the stadium but, the 'TIFO' which is a seminal part of the cheering activities and for boosting the morale of the team and its players, cannot be restricted as a prohibitory item.
4. Learned counsel for the State submits that at times 'TIFO' may invite a view-cutter causing inconveniences to other viewers and to avoid any scuffle in this regard, the aforesaid restriction/prohibition is imposed.
5. As indicated above, 'TIFO' means a flag or picture held up by the supporters of a team in a football match and, therefore, those displays are made for a short period of time or at intervals. Obviously, the viewers while using those 'TIFO' are conscious of their fellow viewers and, therefore, there should not be an apprehension of the State in this respect.
6. Both the counsels appearing for the parties are not *ad idem* on such aspect as, according to Mr. Banerjee, learned counsel

appearing for the State, the past incident has taught many lessons in this regard.

7. We appreciate the anguish and agony shown by the State but, equally we cannot overlook the fact that the 'TIFO' is an integral part of the sport activities where the morale of a team or its supporters are at times receive boost from the supporters and at times to celebrate a particular moment during the match.
8. We thus do not find any justification in absolute prohibition for 'TIFO' imposed by the Joint Commissioner of Police (Headquarter), Bidhannagar. We, however, add that the 'TIFO' which are usually displayed during match in printed and/or written shall be of soft materials and, therefore, we do not think there can be any absolute prohibition in this regard. However, we hasten to add such 'TIFO' shall not contain any hard material for which the reasonable restrictions can be imposed.
9. On the basis of the aforesaid observations, we do not find that there is any justification in keeping the instant Public Interest Litigation pending before us and the same is hereby disposed of.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya J.)