

Sl.No.

3

12.11.2024

Court

No. 35

G.S.Das

WPA 26896 of 2024

Gopal Adhikary & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya
Mr. Moyukh Mukherjee
Mr. Anish Kumar Mukherjee
Mr. Suryaneel Das
Mr. Chiranjit Pal
Mr. Tamoghna Pramanick
Ms. Megha Dutta

... for the Petitioner

Mr. Amitesh Banerjee, Id. Sr. St. Counsel
Mr. Debangshu Dinda

...for the State-respondent

The petitioners have approached this court for taking out a procession from R.R. Avenue in protest of certain issues.

Supplementary Affidavit has also been filed.

In view of the permission not being granted, I direct that the procession proposed to be held would proceed from R.R. Avenue towards Lenin Sarani and take right turn at the Moulali Junction of AJC Bose Road and proceed towards Beck Bagan Crossing. The procession will end at the Beck Bagan Crossing and the organizers will request the gathering to disperse. From there a five-member delegation (the name of such five persons to be submitted in advance to the police authorities) would meet the Bangladesh High

Commissioner and/or any officer authorized by the High Commissioner.

The organizers will at the Beck Bagan Crossing control their sympathizers and will not take such steps which may disturb both the local population as well as the bilateral relations.

As submitted by the learned advocate for the petitioners, the procession would constitute their member/sympathizers which would vary from 750 to 1000 persons.

State is directed that adequate police force be requisitioned including the Reserve Force, if required, for escorting whole of the procession.

State would also ensure that there is no tension created either by the local people of the area through which the procession would be passing or from the members of the procession itself.

State, in this regard, has forwarded a copy of the terms and conditions which are as follows:

1. Speeches capable of inciting violence, provocative speeches and abusive language will not be permitted;
2. Name of the volunteers should be well furnished before commencing the rally, who will be responsible for violating the order of the Hon'ble Court'

3. Number of participants should be in accordance with the Hon'ble Court's order;
4. No obstruction is to be created to free flow of traffic, free access to any thoroughfare or building, Ambulance, Fire Brigade or persons entitled thereto;
5. Loudspeakers shall be within the permissible limits as prescribed by the Hon'ble High Court, Calcutta and West Bengal Pollution Control Board;
6. Use of loudspeaker in open air or use of any kind of vehicular horn in 'the vicinity of "SILENCE ZONE" area like hospitals, nursing homes, courts, universities, colleges and schools is strictly prohibited;
7. The participants in such Rally/Procession/Meeting shall act in a manner to ensure that there is no damage to public property, assault on any Government Servant or any other transgression of law;
8. The participants shall act in a manner to ensure that no inconvenience whatsoever shall be caused to the public

at large;

9. The participants at the rally should be dispersed after the group of delegates departs to submit deputation;
10. All other existing rules in vogue should strictly be adhered to”

With the aforesaid observations, WPA 26896 of 2024 is disposed of.

The timing as has been contended is 12.15 pm to 4.15 pm.

After 4.15 pm the organizers would ensure that there is no gathering at the Beck Bagan Crossing and/or any other area through the route which has been proposed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)