

24.11.2023
Item No.2
Ct. No.1
PG/KS

MAT 2283 of 2023
With
IA No. CAN 1 of 2023
The State of West Bengal & Ors.
Vs.
Jagannath Chattopadhyay

Mr. Kishore Datta, Sr. Adv.
Mr. Anirban Ray, Ld. GP.
Ms. Amrita Panja Moullick
.....for the Appellants

Mr. Soumya Majumder
Mr. Billwadal Bhattacharya
Mr. Srijib Chakraborty
Mr. Tarunjyoti Tewari
Mr. Loknath Chatterjee
Mr. Anish Kr. Mukherjee
Mr. Sukanta Ghosh
Mr. Suryaneel Das
Mr. Chiranit Pal
.....for the respondent/
writ petitioner

1. This intra-Court appeal by the State of West Bengal and others is directed against the order dated 20th November, 2023 in W.P.A. 26206 of 2023. In the said writ petition, the petitioner had challenged an auto-generated order dated 7th November, 2023, by which an application, which was made by a political party for holding a meeting on 29th November, 2023 at a particular location was rejected on the ground that the application has not been made within the stipulated time-frame given in the website of

police. Similar rejection was made when the said political party made an earlier application dated 18th October, 2023 for the programme to be held on 28th November, 2023. Subsequently, there appears to have been a change of date and a fresh application was made on 6th November, 2023.

2. Mr. Kishore Datta, learned senior advocate appearing for the appellants/ State of West Bengal drew our attention to the advisory for the applicants issued by the Kolkata Police and submitted that in terms of the advisory, application shall only be taken into consideration, if applied in between 02 to 03 weeks (neither before nor after) prior to the scheduled programme.
3. Admittedly, the application has been made at least 23 days before the proposed programme. Advisory is not a statute as the name suggested. It is an advisory to the applicant, who seeks for permission to conduct a procession/rally/meeting etc. A format has been prescribed for applying for such permission. It contains certain conditions. After going through the advisory, we find that the advisory cannot be taken as a rigid rule and in any event, the time limit of 02 to 03 weeks would itself suggest that there is discretion

vested with the authorities and this time limit, obviously, is for the purpose of processing an application and cannot be used as a ground for rejection of an application.

4. The Court can take judicial notice of the fact that processions/rallies/meetings etc. are regular feature in the State of West Bengal and more particularly, in Kolkata. There have been several instances, which have come to the notice of the Court, where rallies/meetings and agitations have been held, where no permission has been obtained. In fact, very recently there was a large gathering of people agitating for a particular issue and the same paralysed the entire traffic movement in Kolkata and the police had a tough time to control the situation.
5. Thus, we are of the considered view that the learned Single Bench was fully justified in setting aside the rejection and issuing appropriate directions.
6. In the light of the above, we find no ground to interfere with the order passed by the learned Single Bench dated 20th November, 2023. The order also makes it clear that the permission will be subject to reasonable restrictions that shall be communicated to the applicant, who sought for permission.

7. With the above observations the appeal and the connected application stand dismissed.
8. Since the terms and conditions have already been set out in the format, which has been uploaded in the website of the Kolkata Police, while granting permission, those 28 conditions shall be imposed and the organiser(s) shall abide by the conditions.
9. In the light of the above, no further orders are required in the writ petition and the writ petition is also disposed of in terms of the above directions.
10. No costs.
11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)