

(2024) 03 CAL CK 0032
In the Calcutta High Court
Case No : WPA No. 6836 Of 2024

Amal Halder

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 08-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 144

Citation : (2024) 03 CAL CK 0032

Hon'ble Judges : Jay Sengupta, J

Bench : Single Bench

Advocate : Rajdeep Majumder, Billwadal Bhattacharyya, Moyukh Mukherjee, Anish Kr. Mukherjee, Suryaneel Das, Sagnika Banerjee, Kishore Dutta, Amitesh Banerjee, Lalit Mohan Mahato, Prasanta Behari Mahata

Final Decision : Disposed Of

Judgement

Jay Sengupta, J

This is an application to hold a public meeting.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the General Secretary of the Basirhat organizational district of the opposition political party in the State. He intended to organize an open political meeting on 10.3.2024 from 9:00 a.m. to 7:00 p.m. at Sudarikhali, P.O. Agarhati, P.S. Nazat, North 24 Parganas. As the police denied permission, the petitioner was compelled to approach this Court. However, after the petitioner filed the writ petition, the local Administration imposed an order under Section 144 of the Code of Criminal Procedure for the said area. This is an area where no such order had been promulgated earlier since the onset of agitations at the Sandeshkhali area over allegations of land grabbing and sexual assaults. The area where the alleged disturbances had taken place under the Sandeshkhali P.S. no further order has been promulgated under Section 144 of the Code. However, to avoid

any further complication, the petitioner, for the present, would not challenge the promulgation of Section 144 of the Code in the said area and is agreeable to hold the meeting at an alternative place being J.L. No.23, Dag No. 2454 and 2455, Mouza – South Akhratala under the Najat Police Station. This land is owned by Rabin Pal and Manik Deb who are supporters of the petitioner's organization and have given consent for holding such rally/meeting.

Learned Senior Counsel representing the State submits as follows. It is denied that the order under Section 144 of the Code was promulgated in the area in question to prevent the petitioner from holding such rally/meeting. So far as the alternative area suggested by the petitioner is concerned, since there is no apprehension or likelihood of any breach of peace there, therefore, the petitioner would be permitted to hold the rally/meeting at the said area under the Nazat P.S.

A citizen of India has a fundamental right to hold a peaceful rally or meeting, however, subject to reasonable restrictions.

In view of the above, the respondent authorities are directed to permit the petitioner to hold such rally/meeting at the alternative place suggested by the petitioner as above referred on 10.3.2024 from 10:00 a.m. to 5:00 p.m.

The police shall render necessary help and ensure that there is no breach of peace. They shall see to it that the participants as well as the local residents are not obstructed, harassed or intimidated. The State Administrative shall grant access to the participants to the venue of the meeting to and fro.

The participants of the meeting, on the other hand, shall not use any foul language or give any incitement to violence. If any loudspeaker is used, the same should abide by the necessary sound norms. The petitioner shall also provide to the local police authorities the details of two persons who would be responsible for holding such meeting.

With these observations, WPA 6836 of 2024 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

Parties shall act on a server copy downloaded from the official website of this Court.