

(2020) 01 CAL CK 0127
In the Calcutta High Court

Case No : Writ Petitions (WP) No. 1342 (W) Of 2020

Anti Corruption Committee @ Bhrastachar Nirmulan Samiti
And Another

APPELLANT

Vs

State Of West Bengal And Others

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0127

Hon'ble Judges : Sabyasachi Bhattacharyya, J

Bench : Single Bench

Advocate : Sanat Kumar Roy, Abhishek Banerjee, Kishore Datta, Md. T. M. Siddiqui, N. Chatterjee, Arka Nag

Final Decision : Disposed Of

Judgement

Sabyasachi Bhattacharyya, J

Affidavit-of-service filed in Court today be taken on record.

Heard the parties.

The present challenge is directed against an objection raised by the Officer-in-Charge, Licensing, Chandannagar Police Commissionerate, to a rally comprised of 50-60 cars (four-wheelers), 30 bikes (two-wheelers), one ambulance and a recovery van with police protection sought to be held on January 23, 2020 from 10.00 a.m. to 5.00 p.m. on the occasion of the birth anniversary of Netaji Subhash Chandra Bose.

Most of the police stations, it is submitted on behalf of the petitioners, have agreed and endorsed such rally. However, an objection was raised by the Serampore Police Station as regards the valid registration of the petitioner-association and its legality in the eye of law.

It is submitted on behalf of the State, by the learned Advocate General, that since the route comprised of about 70 kilometers, and already several other

organisations have been given permission to hold rallies, processions and gathering on the said date for the same reason, it might create a law and order situation in the event such a huge rally is permitted over such a long route.

However, upon instructions, learned counsel for the petitioners has agreed to bring down the number of cars to 20 (four-wheelers) and the numbers of bikes to 20 (two-wheelers) as well, with the single ambulance and recovery van with police protection to be kept intact.

In his usual fairness, the learned Advocate General, although having some reservations on behalf of his clients about the route-length and time of such rally, agrees that the police authorities will accord the necessary permission if the proposed rally is held peacefully and without crossing the permitted decibel levels during the rally with regard to use of loud speakers.

Accordingly, W. P. No. 1342(W) of 2020 is disposed of by permitting the petitioners to hold the proposed rally, by setting aside the refusal in that regard by the Officer-in-Charge, Licensing, Chandannagar Police Commissionerate, which is annexed as Annexure- P/5 at page- 35 of the instant writ petition, between 10 a.m. and 5 p.m. on January 23, 2020. Such rally shall be conducted with 20 cars (four-wheelers), 20 motor bikes (two-wheelers) at the most and one ambulance and a recovery van and will be given police protection.

It is made clear that the petitioners shall ensure that the rally is held peacefully and moves on as fast as possible, without defeating the purpose of the rally, and shall conform to all the norms regarding the use of loud speakers, particularly in view of some of the regions covered by the rally having hospitals and educational institutions, where the petitioners shall take care to soften the noise and/or abstain from the use of the loud speakers altogether.

Needless to say, the participants in the rally shall follow all legal norms, including the stipulations of the Motor Vehicles Act and connected laws regarding wearing of helmets and ancillary regulations during the conduct of the rally.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.