
(2020) 01 CAL CK 0294

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 518 (W) Of 2020

Bharatiya Janata Party

APPELLANT

Vs

State Of West Bengal And Others

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Citation : (2020) 01 CAL CK 0294

Hon'ble Judges : Sabyasachi Bhattacharyya, J

Bench : Single Bench

Advocate : Smarajit Roy Chowdhury, Dhiraj Tiwari, A. Mishra, Tarunjyoti Tiwari, M. Jana, A. Pandey, A. Choubey, Rajesh Kr. Shah, Kishore Datta, Amitesh Banerjee, S. Adak

Final Decision : Disposed Of

Judgement

Sabyasachi Bhattacharyya, J

The grievance of the present petitioner is that the petitioner's request for permission to hold a rally from Nandan Cinema to Hazra crossing today,

commencing from 12.30 p.m. to 3.30 p.m., was refused by the police authorities vide an e-mail dated January 9, 2020, which is annexure P/2 at page

22 of the instant writ petition.

Learned counsel for the petitioner argues that the said reply, in block letters, refused permission to the petitioner, without assigning any reason

whatsoever, for not allowing such rally, which is a democratic right of the petitioner.

Learned Advocate General appearing for the State submits that today itself, another political organization is holding a rally, the route of which

coincides with the route for which permission was sought by the petitioner and as such there might be law and order problem in that regard and that

was the reason for refusal of permission to the petitioner.

It is further submitted by the learned Advocate General that as far as the alternative route suggested by the petitioner, from Nandan Cinema to Exide

junction, is concerned, a portion of the said route has also been allocated for a rally by a third group, which would also create problems in handling the

situation for the police in the event permission is given to a rally of around 500 persons in strength, for which permission has been sought by the

present petitioner. However, in his usual fairness, the learned Advocate General suggests a third alternative route, being from Nandan Cinema to

Exide Junction, moving towards Birla Planetarium and then around to the starting point.

Learned counsel appearing for the petitioner accepts such suggestion and on instruction submits that the petitioner is willing to hold a rally on such

route between 3.00 p.m. to 4.30 p.m. today.

Learned Advocate General assures that he will see that the permission for such rally is granted to the petitioner by the relevant authorities

immediately. It may be added here that it also has been submitted by learned counsel for the petitioner that he personally contacted the relevant

leaders of the SUCI party, whose rally was permitted to be held according to the learned Advocate General, and has ascertained that the said party

will not hold any such rally today. However, such submission is based on the personal knowledge of learned counsel for the petitioner and this Court

cannot take judicial cognizance of the same as opposed to the specific instruction given to the learned Advocate General that permission has been

accorded by the police to the said organization, that is SUCI, and since the option to hold the rally is entirely of the SUCI. Even if the said party does

not hold such rally by exercising the permission accorded to them, this Court cannot be taken judicial notice of such fact for the present purpose.

Accordingly, W.P. No.518 (W) 2020 is disposed of by directing the respondents to accord necessary permission to the petitioner to hold rally on the

route as suggested by the learned

Advocate General, on instruction, as recorded above, starting from 3.00.p.m. to 4.30 p.m today.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be given to the parties

upon compliance with all requisite formalities.