

(2019) 11 CAL CK 0032

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 20419 (W) Of 2019

Manab Sampad Unnayan Sahayak Karmi Union & Anr

APPELLANT

Vs

State West Bengal & Ors

RESPONDENT

Date of Decision : 08-11-2019

Acts Referred:

Citation : (2019) 11 CAL CK 0032

Hon'ble Judges : Debangsu Basak, J

Bench : Single Bench

Advocate : Bikash Ranjan Bhattacharya, Samim Ahammed, Dona Ghosh, Kishore Dutta, Arka Kr. Nag

Final Decision : Disposed Of

Judgement

Debangsu Basak, J

The writ petition is taken up for consideration subsequent to the order dated November 5, 2019.

The writ petition was taken up in the first half when an accommodation was sought for on behalf of the State for the Learned Advocate General to appear at 2.00 P.M. The request was kept.

None appears for the State when the writ petition is taken up.

Learned Senior Advocate appearing for the petitioners draws attention of the Court to the minutes dated November 6, 2019 with regard to the sit in demonstration is concerned. He submits that, the conditions laid down by the police are impracticable and that, they have been imposed so as to frustrate the sitting demonstration.

The petitioners applied for permission to hold a demonstration. Initially such permission was denied on the ground of imposition of Section 144. The petitioners challenged such decision. They seek permission to hold the demonstration.

By an order dated November 5, 2019 the petitioners were directed to meet the Deputy commissioner Zone- I, Bidhanagar Police Station to work out the details. A meeting was held on November 6, 2019. A minutes was prepared. The police imposed various restrictions.

The petitioners seek to espouse the cause of para teachers by the proposed demonstration. Education Department is at Bikash Bhawan. The petitioners require a place commensurate with the reasons for the demonstration to hold the same. The police are providing a place at a distance from Bikash Bhawan and are limiting the time as well as the number of the demonstrators.

In my view, such restrictions are reasonable. The petitioners are anticipating a crowd in excess of 5,000 persons. The petitioners want to do a demonstration continuously commencing from November 11, 2019. Although the minutes speak of President's visit to the city, it does not say that the President would be visiting the locale.

The petitioners, in the meeting with the police, stated as follows:

- 1) "Demonstration will commence from 11.11.2019 from 12.00 noon onwards for seven days, continuously.
- 2) The number of participants will be in between 6,000 to 7,000.
- 3) Organisers intend to use Public Address System.
- 4) There will be no rally.
- 5) Meeting will take place at the assembly point only."

In the facts of the present case, the police will permit the petitioners to hold the sit in demonstration beyond 100 meters from the entry gate of Bikash Bhawan. The petitioners will not prevent the free ingress and egress of persons to and from Bikash Bhawan. The petitioners will use a sound limiter with the public address system. The petitioners will not obstruct free flow of traffic at the locale.

At this stage, learned Advocate General appears for the State. He prays for stay which is considered and refused.

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