

(1998) 12 PAT CK 0052
In the Patna High Court
Case No : C.W.J.C. No. 10959 of 1998

Ram Pravesh Singh @ Rayjee

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 09-12-1998

Acts Referred:

Citation : (1999) 1 PLJR 275

Hon'ble Judges : B.M. Lal, C.J;S.K. Singh, J

Bench : Division Bench

Judgement

1. I.A.I Mo. 14691 of 1998 is listed today for passing appropriate orders.
2. Heard Shri Ray Shiva Ji Nath for the Petitioner and Shri Ganga Prasad Roy, Additional Advocate General for the Respondent State, on the question of issuing appropriate writ, order or direction-prohibiting the observance of "Banch Call" given for 11th December, 1998, by the political parties of the State unit of Bihar including Respondents No. 3 to 9-and also by C.P.I, and C.P.I. (M).
3. It is submitted that the Petitioner, who is a public spirited citizen and is not affiliated to any political party but is a free citizen, has read in the news-paper "The Times of India" and "Hindustan Times" dated 4.12.1998 whereby seven left parties including C.P.I, and C.P.I.(M) have given a "Bandh Call" for a day long Dharna on December 11, 1998 on various reasons.
4. It is contended that soon after the news is published in the News-paper, the petition could have been filed immediately; but the 5th December, 1998. being a Saturday and the 6th December, 1998, being a Sunday, the Court remained closed and. therefore, just on the opening day i.e. on 7.12.98 the petition is filed and it is listed today for orders on I.A. petition.
5. After hearing learned Counsel, in our opinion, a prima facie case for staying call of Bandh is made out inasmuch as the political parties have no right to call or enforce a Bandh which infringes the fundamental rights guaranteed under the

Constitution to the citizen. The matter in issue is also covered by a decision of the Apex Court in the case of Communist Party of India (M) v. Bharat Kumar and Ors. AIR 1998 S.C. 184.

6. Thus let notice be issued to Respondents No. 3 to 9 for a date to be fixed by the office for which process etc. shall be filed during the course of the day.

7. Meanwhile the Respondents including C.P.I, and C.P.I.(M) which have given a call of Bandh are restrained from observing Bandh on 11th. December, 1998. The State Government is also directed to take precautions and appropriate-steps for maintaining law and order situation by deploying necessary force so that no untoward incident may take place.

8. Let a copy of this order be given to all concerned during the course of the day.