

Form No. J(2)

Item No. SL / 02

RANAJIT – A.R.(CT)

AMIT- A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 16310 OF 2026

Derek O Brien

-Vs-

The State of West Bengal & Ors.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Kalyan Bandopadhyay,
Ms. Pramiti Bandopadhyay
Mr. Sirsanya Bandopadhyay,
Mr. Diptendu Banerjee,
Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh,
Ms. Shrobana Sengupta

For the State : Mr. Surajit Nath Mitra,
Mr. Billwadal Bhattacharyya,
Mr. D. N. Ray,
Mr. Suryaneel Das,
Mr. Madhu Jana

Hearing concluded on : 15.07.2026

Judgment on : 15.07.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. Supplementary affidavit filed on behalf of the petitioner is also taken on record.

2. Petitioner is desirous to hold a meeting on “Shahid Diwas” of All India Trinamool Congress which is observed on 21st July of each year for pretty long period of time.
3. It is submitted by Mr. Bandyopadhyay, learned senior advocate representing the petitioner that in previous year “Shahid Diwas” was observed by All India Trinamool Congress at Esplanade (Dharmatala) near Victoria House. In the same breath, it is also submitted that due to changed circumstances and taking note of the fact that concerned police authority has already granted permission to two other organizations to hold similar meeting on same day i.e. 21st July, 2026 prayer is made for permitting the petitioner to hold meeting on 21st July, 2026 at a place within the vicinity of Esplanade. It is also submitted that estimated participants will be ten thousand (10000).
4. Mr. Mitra, learned Advocate General duly assisted by Mr. Bhattacharya, learned Additional Advocate General has opposed this writ petition to the extent of permitting petitioner to hold meeting on 21st July, 2026 at the place as proposed by the petitioner.
5. On instruction, it is submitted on behalf of the State respondents that permission can be granted to hold such meeting at Raja Subodh Mallick Square near Wellington but the capacity so far that venue is concerned is not more than two thousand (2000).

6. It is also submitted on behalf of the State respondents that permissions are granted in favour of other two organizations to hold similar meetings on 21st July, 2026 at two different places i.e. at Shaheed Minar and at a place near to Gandhi Statue. It is contended that estimated number of participants in the meeting at Shaheed Minar is ten thousand (10000) whereas at the place near to Gandhi Statue estimated participants are seven hundred or eight hundred (700/800).
7. It is also flagged on behalf of the State respondents that if three separate meetings are organized on same day at same time then there may be law and order issue and to obviate this, petitioner needs to be permitted to hold meeting at a place which is away from two other venues where two organizations have already been permitted to hold meetings.
8. It is submitted on behalf of the petitioner that Cathedral Road may be considered for granting permission as sought for. It is also submitted that application was made seeking permission from the concerned police authorities to hold meeting on 27th June, 2026 but as yet no decision is taken. It is alleged on behalf of the petitioner that though two other organizations made applications after 27th June, 2026 but they were permitted to organize meeting and

decision was taken before taking decision on the application of the petitioner.

9. On behalf of the State respondents, it is submitted that considering proposed number of participants as expressed on behalf of the petitioner and existence of hospitals and schools Cathedral Road may not be an appropriate place for granting permission to organize such meeting.
10. Having considered the respective submissions made on behalf of the parties, Court finds that holding meeting in order to observe “Shahid Diwas” on 21st July, 2026 at Esplanade (Dharmatala) near Victoria House is impermissible since such gathering near Victoria House would choke main thoroughfare from North Kolkata to Esplanade.
11. Without delving into the details as to keeping application of the petitioner which was preferred on 27th June, 2026 seeking permission, pending and two other applications made by two organizations were allowed, Court directs the concerned police authorities to permit petitioner’s organization to hold meeting at one flank of Cathedral Road keeping another flank open for vehicular movement.
12. Effort has to be made by the petitioner to restrict number of participants within two thousand five hundred (2500).

13. Concerned police authorities are directed to depute adequate number of police personnel to maintain law and order and it needs to be ensured that no untoward incident takes place as there will be three meetings at three different places on same day i.e. 21st July, 2026.
14. Meeting will be conducted in between 12 Noon and 3.30 P.M.
15. Petitioner shall share details of particulars and mobile numbers of twenty volunteers who will be responsible for carrying out the directions of this Court at the time of meeting by 18th July, 2026 at 4 P.M. with Joint Commissioner of Police, (HQ), Kolkata.
16. Petitioner as well as twenty volunteers are directed to ensure that one flank of Cathedral Road shall be kept open for vehicular movement during the meeting.
17. Police authorities are also directed to take necessary steps in ensuring vehicular movement on one flank of the said road.
18. In view of aforesaid directions passed by this Court thereby permitting petitioner's organization to hold meeting on 21st July, 2026 at the place alluded above propriety of the order dated 30th June, 2026 issued by the Commissioner of Police, Kolkata and Executive Magistrate of the Metropolitan City of Kolkata and South 24 Parganas District is not decided and is kept open.
19. The writ petition stands disposed of.

20. Learned advocates representing the petitioner and State respondents are directed to communicate gist this order immediately to the concerned police authorities without waiting for serve copy of the order.
21. Leave is granted to the learned advocate for the petitioner to amend the cause title and add Joint Commissioner of Police (HQ), Kolkata as additional respondent in course of this day.
22. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)