



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37240 of 2025
CNR No.ODHC010944622025

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

***The All India Backward
(SC/ST/OBC) and Minorities
Communities Employee's
Federation (BAMCEF), Karolbagh,
New Delhi and another*** ***Petitioner***

-versus-

State of Odisha and others ***Opposite Parties***

Advocate(s) appeared in this case:-

For Petitioners : Mr. U.K. Samal, Senior Advocate

For Opposite Parties : Mr. T.K. Dash, A.G.A.

Mr. V. Mahapatra, Advocate
For O.P. No.6

CORAM: JUSTICE B.P. ROUTRAY

JUDGMENT
24th August 2026

B.P. Routray, J.

1. Heard Mr. U.K. Samal, learned Senior Counsel for the Petitioners, Mr. T.K. Dash, learned Additional Government Advocate for State-Opposite Parties 1 to 5 and Mr. V. Mahapatra, learned counsel for Opposite Party No.6.



2. The Petitioners have prayed for setting aside the order of cancellation of permission granted in their favour to hold their national convention scheduled on 26.12.2025 to 30.12.2025; along with the prayer to permit the Petitioners' organization to convene their national convention from 26.12.2026 to 30.12.2026. It is important to reproduce the prayer of the Petitioners here, which is as follows:

“i) quashing the order of revocation issued by the Deputy Commissioner of Police, Cuttack UPD, Cuttack/OP No.4 vide order No. 9434 dated 21.12.2025 for holding “42nd National Convention and 15th BMM Convention of All India Backward (SC/ST/OBC) and Minorities Communities Employee's Federation” at Lower Baliyatra Ground scheduled to be held from 26.12.2025 to 30.12.2025 under Annexure-9; and

ii) further allow the Petitioners organization to convene the “42nd National Convention and 15th BMM Convention of All India Backward (SC/ST/OBC) and Minorities Communities Employee's Federation” at Lower Baliyatra Ground scheduled to be held from 26.12.2025 to 30.12.2025 as per the permission dated 04.10.2025 and 01.11.2025 under Annexure-2 & Annexure-6 respectively;

iii) quash the letter No. 1225 dated 21.12.2025 under Annexure-12 issued by the Collector, Cuttack/ OP No. 3;

iv) further allow the Petitioners organization to convene the “National Convention of All India Backward(SC/ST/OBC) and Minorities Communities Employee's Federation



(BAMCBF) and Bharat Mukti Morcha from 26.12.2026 to 30.12.2026;

v) if the opposite parties fail to show-cause or show insufficient cause to make the said rule absolute; and

vi) to pass such other order/orders and to issue such other writ/writs as would afford complete relief to the petitioners;

3. Petitioner No.1 is the All India Backward (SC/ST/OBC) and Minorities Communities Employee's Federation (BAMCEF) and Petitioner No.2 is the Bharata Mukti Morcha (BMM), both stated as registered organisations.

4. The Petitioners have jointly applied for holding of 42nd national convention and 15th BMM convention of All India Backward SC/ST/OBC) and Minorities Communities Employee's Federation at lower Baliyatra ground at Cuttack city for the scheduled dates from 26th December 2025 to 30th December 2025. It is stated that the permission was though granted vide order dated 01.11.2025 (Annexute-6) by the Deputy Commissioner of Police, Cuttack along with the permission granted by the Office of the Collector, Cuttack dated 04.10.2025 under Annexure-2, but subsequently vide order dated 21.12.2025 of the Deputy Commissioner of Police (Annexure-9), it was cancelled without any valid reason. By the process of cancellation



of permission earlier accorded in favour of the Petitioners, the Petitioners incurred huge loss as they had progressed in building of infrastructure for smooth conduct of the convention including deposit of fees before different Government authorities.

5. It is stated on behalf of the Petitioners that the cancellation of permission, earlier granted, is based on an ill-circulated video clip in the Youtube, which was completely arbitrary and non-application of mind. After passing of the scheduled dates for the convention, the Petitioners have amended their prayer to include Prayer No.(iv) for granting fresh permission to hold the convention on the revised dates in the month of December 2026 and made an application to that effect as per Annexure-13. Thus, it is stated on behalf of the Petitioners that, since the amount deposited with various authorities by the Petitioners are yet to be refunded due to cancellation of the convention, their application for fresh permission to hold the meeting in the month of December 2026 in terms of their fresh application under Annexure-13 should be granted in their favour by the authority.

6. The State has filed their counter by denying the contentions of the Petitioners. It is the specific ground taken on behalf of the State that



no such final permission was granted in favour of the Petitioners by the Collector, who is the ultimate authority concerned for the District, and thus no right accrues in favour of the Petitioners to challenge the order of cancellation in respect of the provisional permission. According to State-Opposite Parties, the so-called permission granted in favour of the Petitioners either by the DCP or by the Office of the Collectorate, under Annexures-6 & 2 respectively, are provisional orders only subject to final decision regarding permission to be granted by the Collector, Cuttack. Therefore, when final permission was yet to be granted in favour of the Petitioners, no cause of action arose in favour of the Petitioners to challenge the cancellation of provisional permission.

7. It is further submitted on behalf of the State that at the stage of provisional permission, a video clip went viral in the social media uploaded by one Chand Mohammed on behalf of Petitioners' organization containing objectionable statements which are provocative and divisive in nature as communally sensitive. Cuttack being a communally sensitive area, there is instances of communal violence in recent past and therefore, in order to maintain the law and order situation as well as to prevent the breach of peace and



disturbance in public order, it was imperative on the part of the district administration to take stern action to cancel the scheduled convention. It is also submitted that before cancellation, the Petitioners were granted opportunity of hearing by issuance of show-cause notice and they had submitted their show-cause reply, and in the show-cause reply, the onus in respect of the objectionable video clip was never denied on the part of the Petitioners.

8. Mr. Samal, leaned Senior Counsel for the Petitioners submits in his reply that when the earlier date scheduled for holding the convention for the year 2025 has been cancelled, the Petitioners seek for allowing them to hold the convention in coming December 2026, i.e. from 26.12.2026 to 30.12.2026 at the same lower Baliyatra ground. It is also submitted that fresh application by the Petitioners has already been submitted in this regard to the Collector on 13.07.2026 at Annexure-13. It is specifically mentioned in the application under Annexure-13 that, the Petitioners have assured to make adequate arrangements to maintain the law and order, cleanliness, sanitation, traffic management, fire safety and public safety throughout the duration of convention.



9. It is not the case of either party that the applied convention is in the shape of agitation or protest. As per the averments made in the writ petition, it is the 42nd national convention and Petitioners' organization is an Employees Federation having its registered Office at Karolbagh, New Delhi. No such averment is there in the body of the writ petition with regard to the purpose of holding of the convention, but as seen from Annexure-11, there will be a discussion on different burning issues at the national level. So, it can safely be said that the purpose of holding the convention is for discussion of different burning national issues, as per the copy of the proposed invitation card of the convention.

10. To congregate to have discussion on any issue, at national level, by any organization peacefully without affecting the right of other citizens or without disturbing the normal public order is of course a right not to be objected by the authority.

11. In *Himat Lal K. Shah vs. Commissioner of Police, Ahmedabad and Another*, (1973) 1 SCC 227, it has been observed that the State can only make regulations in aid of the right of assembly of each



citizen and can only impose reasonable restrictions in the interest of public order.

12. In *Amit Sahni vs. Commissioner of Police and others*, (2020)

10 SCC 439, the Hon'ble Supreme Court has observed as follows:-

“16. India, as we know it today, traces its foundation back to when the seeds of protest during our freedom struggle were sown deep, to eventually flower into a democracy. What must be kept in mind, however, is that the erstwhile mode and manner of dissent against colonial rule cannot be equated with dissent in a self-ruled democracy. Our constitutional scheme comes with the right to protest and express dissent, but with an obligation towards certain duties. Article 19, one of the cornerstones of the Constitution of India, confers upon its citizens two treasured rights i.e. the right to freedom of speech and expression under Article 19(1)(a) and the right to assemble peacefully without arms under Article 19(1)(b). These rights, in cohesion, enable every citizen to assemble peacefully and protest against the actions or inactions of the State. The same must be respected and encouraged by the State, for the strength of a democracy such as ours lies in the same. These rights are subject to reasonable restrictions, which, *inter alia*, pertain to the interests of the sovereignty and integrity of India and public order, and to the regulation by the police authorities concerned in this regard. [See *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1 : (2012) 2 SCC (Civ) 820 : (2012) 2 SCC (Cri) 241 : (2012) 1 SCC (L&S) 810]. Additionally, as was discussed in *Mazdoor Kisan Shakti Sangathan case* [*Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) 17 SCC 324] , each fundamental right, be it of an individual or of a class, does not exist in isolation and has to be balanced with every other contrasting right. It was in this respect, that in this case, an attempt was made by us to reach a solution where the rights of protestors were to be balanced with that of commuters.



17. However, while appreciating the existence of the right to peaceful protest against a legislation (keeping in mind the words of Pulitzer Prize winner, Walter Lippmann, who said “*In a democracy, the opposition is not only tolerated as constitutional, but must be maintained because it is indispensable*”), we have to make it unequivocally clear that public ways and public spaces cannot be occupied in such a manner and that too indefinitely. Democracy and dissent go hand in hand, but then the demonstrations expressing dissent have to be in designated places alone. The present case was not even one of protests taking place in an undesignated area, but was a blockage of a public way which caused grave inconvenience to commuters. We cannot accept the plea of the applicants that an indeterminable number of people can assemble whenever they choose to protest. K.K. Mathew, J. in *Himat Lal case* [*Himat Lal K. Shah v. State*, (1973) 1 SCC 227 : 1973 SCC (Cri) 280] had eloquently observed that: (SCC p. 248, para 70)

“70. ... Streets and public parks exist primarily for other purposes and the social interest promoted by untrammelled exercise of freedom of utterance and assembly in public street must yield to social interest which prohibition and regulation of speech are designed to protect. But there is a constitutional difference between reasonable regulation and arbitrary exclusion.”

18. Furthermore, we live in the age of technology and the internet where social movements around the world have swiftly integrated digital connectivity into their toolkit; be it for organising, publicity or effective communication. Technology, however, in a near paradoxical manner, works to both empower digitally fuelled movements and at the same time, contributes to their apparent weaknesses. The ability to scale up quickly, for example, using digital infrastructure has empowered movements to embrace their often-leaderless aspirations and evade usual restrictions of censorship; however, the flip side to



this is that social media channels are often fraught with danger and can lead to the creation of highly polarised environments, which often see parallel conversations running with no constructive outcome evident. Both these scenarios were witnessed in Shaheen Bagh, which started out as a protest against the Citizenship Amendment Act, gained momentum across cities to become a movement of solidarity for the women and their cause, but came with its fair share of chinks — as has been opined by the interlocutors and caused inconvenience of commuters.”

13. Coming to the facts of the instant case, it is the contention of the Petitioners that the permission earlier granted in their favour to hold the convention at the scheduled venue on scheduled dates has been subsequently cancelled without a valid reason, allegedly based on a viral video clip. Here it would be appropriate to state that, as per the orders of permission under Annexure-2 & 6, the same were not the final permissions as submitted on behalf of the State. Annexure-2 & 6, issued by the Office of the Collector and Deputy Commissioner of Police respectively, are the provisional permissions granted in favour of the Petitioners. As per the practice, the Collector-cum-District Magistrate of the district is the final authority to grant permission to hold such meetings or gatherings. It is seen from Annexure-2 that, permission was granted provisionally subject to the submission of ‘No Objection Certificate’ from different authorities including the Deputy



Commissioner of Police and the Municipal Corporation. Therefore, what is stated as permission under Annexure-6 by the Petitioners granted by the Deputy Commissioner of Police, is the 'No Objection Certificate' in terms of the order under Annexure-2 given by the Office of the Collectorate, Cuttack, in order to enable the Collector-cum-District Magistrate to grant the permission. Thus, the Petitioners are not found correct in submitting that the permission was granted in their favour to hold the meeting. But the fact remains that he was provisionally permitted to hold the meeting on the scheduled date at the scheduled place subject to issuance of final permission. In the process, the Petitioners as the proponents of the convention are required to deposit several statutory fees which they did as per Annexure-4 series.

14. Be that as it may, the important aspect of consideration is the grounds of cancellation of the provisional permission given in favour of the Petitioners earlier. It is true that the Petitioners do not disown the viral video clip circulated in the social media which according to State-Opposite Parties was divisive and provocative to breach communal peace. Such analysis has been done by the authorities, particularly the administrative authorities of the district on the background of



circulation of the alleged video clip, on the eve of holding the convention. It is true that the administrative authorities have every right to take appropriate decision in their administrative capacity in order to maintain public peace in the locality and to maintain public order. Therefore, nothing can be faulted on the part of the administrative authorities when they have perceived any danger of breach of peace, particularly the communal sensation among different communities of the city. In this regard, the Court would not be right in interfering with the decision of the administrative authority. Thus, the impugned order under Annexure-9 cancelling the earlier permission granted in favour of the Petitioners cannot be said as illegal or arbitrary to interfere with.

15. So far as the other prayer of the Petitioners to seek permission to hold the convention on a future date in December 2026, is concerned, according to the Petitioners they have made their application under Annexure-13 in that regard to the Collector which is still pending consideration. This is however objected by the State that as per the standard operating procedure issued on 07.03.2026 under Annexure-B/5, every applicant seeking public gathering at Baliyatra ground or any other similar ground in the city for private purpose required to



apply to the authority in the prescribed form as appended to the SOP. There are guidelines prescribed in the SOP under Annexure-B/5 to be satisfied by the applicant for getting such permission in its favour to hold the gathering for private purpose at Baliyatra ground.

16. Thus, in the circumstances, the writ petition is disposed of confirming the impugned orders under Annexures-9 & 12, and at the same time permitting the Petitioners to apply for fresh permission to hold their meeting for such purpose in accordance with the SOP or guidelines as per Annexure-B/5 and in such event, if the Petitioners apply for fresh permission, the same may be considered in accordance with law. The fees already deposited earlier by the Petitioners before different statutory authorities under Annexure-4 series may be adjusted for such purposes.

(B.P. Routray)
Judge