

20-11-2023

ct no. 13

sl. 3

pk

WPA 26206 of 2023

Jagannath Chattopadhyay

-Versus-

The State of West Bengal and others

Mr. Soumya Majumder,
Mr. Billwadal Bhattacharyya,
Mr. Rajdeep Majumder,
Mr. Srijib Chakraborty,
Mr. Loknath Chatterjee,
Mr. Tarunjyoti Tewari,
Mr. Moyukh Mukherjee,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Mr. Subhajit Dhibar,
Mr. Chiranjit Pal

... for the petitioner.

Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu

...for the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner and his party wish to hold a rally in the city of Calcutta at the junction of C. R. Avenue and Bentink Street. He had proposed 28th of November, 2023 to the Joint Commissioner of Police, (Headquarters), Kolkata on 18th of October, 2023 and had applied online. The said application was rejected by the authorities by an autogenerated e-mail communication dated 19th October, 2023, that it was not within time.

3. The petitioner, thereafter on 6th November, 2023 changed the date of programme to 29th November, 2023 and uploaded a request before the Joint Commissioner of Police (Headquarters) through website. A physical copy was also delivered. The said request was once again rejected by an autogenerated email because it was not made within the stipulated time frame.

4. Mr. Soumya Majumder, learned counsel for the petitioner submits that the two successive mechanical rejections of his clients' application by the office of the Joint Commissioner of Police (Headquarter) for the same reason i.e. not being within the stipulated time is ridiculous and motivated. The respondents for some strange reason do not want to allow the petitioners to hold a rally or gathering, at all.

5. Mr. Amal Kumar Sen, learned AGP, representing the State, submits that he has received instructions only a short while ago. He submits that the reply of the office of the Joint Commissioner of Police (Headquarter) annexed to the writ petition is computer generated and is automatic.

6. This Court is unable to appreciate as to why a mechanical computer generated reply in this form is given by the respondent despite the applications

having been made within two weeks before the proposed date of the rally. Such two weeks' notice as a requirement has been confirmed by the official of the State present in Court.

7. There is clear non-application of mind on the part of the respondents. It also appears that the respondents have a predecided computer fed negation to any request from the petitioners. This cannot be accepted in law.

8. In the backdrop of the above, the petitioner and supporters shall be permitted to hold the rally on 29th November 2023 as proposed subject to any reasonable restriction that may be communicated to them and before this Court on the adjourned date.

9. List this matter on 22.11.2023 before the regular bench subject to its convenience.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)