

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 26850 of 2023
Manik Brahma
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
.....Advocates

For the State : Mr. T.M. Siddiqui
Ms. Parna Roy Choudhury
.....Advocates

Heard lastly on : 01.12.2023

Judgment on : 01.12.2023

Jay Sengupta, J:

This is an application praying for direction upon the respondent police authorities to grant permission for a public meeting.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is going to organise a meeting in Khejuri on 2nd December, 2023 between 2 p.m. and 5 p.m. to raise certain issues of public importance. An email was sent to the local police station for permission on 27.11.2023. A similar mail was sent to the concerned Superintendent of Police on 28.11.2023. Thereafter, physical copies of representations were also handed over. Still, in respect of this, police permission has not yet been granted for the meeting. This is despite the fact that practically all the details that were required to be provided by the petitioner have been provided to the police. No objection has also been obtained from the owner of the land where the meeting is to be held. It is only in case of meetings to be organized by opposition political parties and organisations that the police drag the matter and create obstacles.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. By a letter dated 30.11.2023, certain queries were sent by the police authorities to the organizers. The same has now been responded to.

Citizens of our country do have a right to assemble and hold public meetings subject only to reasonable restrictions.

It is well settled that organizations, including political outfits of different hues, are entitled to have a level playing field in this respect.

It appears that all the queries sent by the police authorities have been answered by the organisers by an email.

Therefore, let the public meeting be held peacefully at the venue and at the date and time as stipulated by the petitioner. The police shall grant necessary permission as required.

The police authorities shall also make necessary arrangements to ensure the safety and security not only of the participants in the meeting, but also of the local residents and the passersby.

However, it is made clear that during the meeting the participants and the speakers shall adhere to all applicable norms regarding a public gathering including as regards use of loudspeakers not beyond the permitted decibel. There shall be no use any foul language or inciting of violence.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)