

S/L 3
09.06.2022
Court. No. 19
GB

WPA 10043 of 2022

Usthi United Primary Teachers Welfare
Association & Anr.
VS
The State of West Bengal & Ors.

*Mr. Bikram Banerjee,
Mr. Sudipta Dasgupta,
Ms. Dipa Acharyya.*

...for the Petitioners.

*Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The writ petition has been filed with an allegation that the Commissioner of Police, Kolkata did not grant permission to Utshi United Primary Teachers Welfare Association to take out a peaceful procession on June 11, 2022 from Raja Subodh Mullick Square Park to Rani Rashmoni Avenue.

The petitioner No.1 is an association. It has organized a protest rally on June 11, 2022 between 12 noon and 4 p.m. It is expected that around 3,000 people shall join the rally, 5 vehicles and 20 loudspeakers shall be used. Accordingly, a permission was sought for from the Commissioner of Police, Kolkata. It is alleged that the Commissioner of Police, Kolkata has not responded to such request dated May 31, 2022. Hence, the petitioners have moved this Court for necessary orders.

Mr. Amitesh Banerjee, learned senior standing counsel was requested by the Court to take instructions in

the matter. Mr. Banerjee has come back with necessary instructions. According to Mr. Banerjee, neither the Commissioner of Police nor the officer of Kolkata Police have ever objected to peaceful marches. It is submitted by Mr. Banerjee that if the protest march is restricted to the route as mentioned in the application, namely – **Subodh Mullick Square → Nirmal Chandra Street → Rafi Ahmed Kidwai Road → S N Banerjee Road → Dharmatala → Rani Rashmoni Avenue** and there is no destruction of public property or unruly behaviour during such march, the police will keep a vigil, but shall not disturb the procession. He further contends that in case, it is found during such rally that the protesters obstruct the traffic or cause damage to any property or commit public nuisance, the police authority must be allowed to take preventive measures.

Having heard the learned advocates for the respective parties, the Court finds that the petitioner wishes to have a peaceful rally with limited number of loudspeakers and vehicles.

Under such circumstances and in view of the fact that the police has not objected to such rally, the writ petition is disposed of with the following directions:-

- a) The protest rally through the route as mentioned hereinabove, shall be held peacefully strictly between 12.00 noon to 4.00 p.m. The loudspeakers, if used, shall be within the permissible sound limit.

- b) Banners and placards will be permitted, but instigating speeches and abusive language will not be permitted.
- c) The rally shall be moving in a way that the common passerby and the vehicular passage is not disturbed.
- d) The procession will end at Rani Rashmoni Avenue and the protesters may hold a meeting at Rani Rashmoni Avenue for not more than an hour.
- e) The assembly at Rani Rashmoni Avenue shall end by 3.45 p.m. and the entire crowd shall disperse by 4 p.m.

The police authorities shall be at liberty to ensure that no breach of peace takes place and law and order is maintained.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)