

08.05.2023.
Court No.13
Supple Item No. 2
ap

W.P.A. No. 11363 of 2023
Paschim Banga Khet Mazdoor Samity & Anr.
Versus
The State of West Bengal & Ors.

Mr. Shamim Ahammed,
Mr. Purbayan Chakraborty,
Mr. Kuntal Banerjee.

...For the petitioners.

Mr. Jahar Lal De,
Mr. Nilotpal Chatterjee,
Mr. Rudranil Dey.

...For the State.

1. The petitioners want to hold a sit-in demonstration for twelve days at Haque Road at the crossing of Aminia Hotel next to the Kolkata Municipal Corporation Building. The petitioners expect about 100 people to participate.
2. It is submitted by Mr. Shamim Ahammed, Counsel for the petitioners, that no more than 50 people may turn up in a day. The petitioners also submit that the area is a car parking zone and/or rickshaw stand and public may not be inconvenienced.
3. This Court has heard the Counsel for the State. He submits that the area where the petitioners want to hold the demonstration is rather congested and the lanes are narrow. He further submits that the disruption of traffic and inconvenience to the public at large cannot be ruled out.

4. Mr. De has, however, suggested that the petitioners may hold a demonstration for twelve days at Sahid Minar Grounds from 10:00 A.M. to 5:00 P.M.

5. This Court is of the view that the petitioners may hold their demonstration at Sahid Minar Grounds from 10:00 A.M. to 7:00 P.M. on a day for 12 days. There shall be no more than fifteen persons staying over night. There shall be no cooking and littering and the demonstration shall be conducted in a peaceful and hygienic way. Only available public toilets shall be used by the petitioners and the demonstration shall be wound up strictly within twelve days. Each and every condition that shall be imposed by the police shall strictly be complied with by the petitioners.

6. The aforesaid demonstration is subject to the permission of the Army, who is the owner of the property in question.

7. Needless to mention that in the event of any violation of any of the conditions of the police or the conditions as indicated hereinabove, the Deputy Commissioner of Police, Kolkata Police shall be authorized to evict the petitioners from the said land.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. The petitioners shall communicate this order to the Army Authority.

11. 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.)