

D/L 2
04.04.2025
Kausik
ct.no.35

W.P.A. 7118 of 2025

**Anjani Putra Sena
Versus
State of West Bengal & Ors.**

Mr. Subir Sanyal, Sr. Adv.
Mr. Anup Dasgupta
Mr. Anindya Sundar Das
Mr. Lokenath Chatterjee
Mr. Sukanta Ghosh
Mr. Sagnik Roy Chowdhury
Mr. Arghya Chatterjee
Mr. Saurajit Mukherjee
Mr. Trijit Mitra

...for the petitioner.

Mr. Suman Chattopadhyay
Ms. Tapasi Sinha Palit

...for respondent no.9.

Mr. Sabyasachi Chatterjee

...for intervener.

Mr. Kishore Datta, Advocate General
Mr. Swapan Banerjee, AGP
Mr. Santanu Mitra
Ms. Sumita Shaw
Mr. Amratya Pal

...for the state.

The petitioner 'Anjani Putra Sena' is a trust under the Indian Trust Act, 1882 who intends to organize a rally named as 'Shri Rama Navami Shobha Yatra Utsav'. To that effect, they applied to the police authorities and the police authorities granted permission but proposed two different routes for the procession which is the ground of grievance of the petitioner.

Mr. Sanyal, learned senior advocate appearing on behalf of the petitioner urged and undertook that the petitioner/organization will take out a procession only of 500 participants who will affix a Badge and such persons would only be considered as participants of the rally/procession. The petitioner/organization intend to use the route starting from Lord Narasimha Temple along G.T. Road and conclude at Howrah Maidan.

Learned Advocate General pointed out the conduct of the organization in the previous years along with the cases which have been registered being Shibpur PS Case No. 100/2022, Shibpur PS Case No. 101/2022, Howrah PS Case No. 190/2022 and Howrah PS Case No. 193/2022 and the same according to the learned Advocate General is during the rally being organized in the year 2022.

Subsequently, in the report it has been pointed out in the year 2023, Shibpur PS Case No. 113/2023 and Shibpur PS Case No. 114/2023 was registered for investigation and the same was also during the Ram Navami Procession as is reflected from the police report submitted by the Commissioner of Police, Howrah in the year 2024. It was pointed out that another case has been registered for violation of the High Court order and for the usage of the sound system being Shibpur PS Case No. 155/2024 dated 18.04.2024.

It was also brought to the notice of this court by Mr. Chatterjee, learned advocate that, one of the cases being Shibpur PS Case No. 113/2023 was transferred to the National Investigating Agency and National Investigating Agency arrested 11 persons in March, 2024.

Learned Advocate General pointed out that the police under Section 30 of the West Bengal Police Act can impose conditions on intelligence reports for deviation of the earlier routes and as such the police authorities have acted within their powers while passing the order in Memo No. 14/0.Per/2025 dated 04.03.2025.

State has also relied upon certain maps to demonstrate the alternative routes which can be availed of by the organization. In order to further emphasize on the issues canvassed by the State as also to substantiate the order passed by the Commissioner of Police, Howrah Police Commissionerate, learned Advocate General relied upon the following precedents being *Commissioner of Police & Ors. vs. Acharya Jagadishwarananda Avadhuta & Anr. (2004) 12 SCC 770*, *Destruction of Public and Private Properties, In re vs. State of Andhra Pradesh & Ors. (2009) 5 SCC 212* and *K. Phanindra Reddy, I.A.S. & Ors. vs. G. Subramanian (2023) SCC Online SC 402*.

Rebutting such contention learned advocate appearing for the petitioner relied upon *Ramasamy Udayar vs. District Collector & Ors.* **(2021) SCC Online Mad 1779.**

It is not disputed that the police is not empowered to propose an alternative route. However, the existence of the powers vested in an authority and exercising such powers are two different aspects. There were earlier orders passed by this Hon'ble Court as also it is reflected that the same route is being followed by the organization for a considerable period of time. The order which has been communicated to the petitioner organization/trust is on the basis of certain apprehensions. Since an undertaking has been given by the learned Senior Advocate appearing on behalf of the petitioner and the said route has been used by the organization for a considerable period of time, mere sporadic incidents should not weigh when two days are left for the rally or the procession, as it would be difficult for the organizers to convince the participants. Thus relying upon the undertaking given on behalf of the petitioner to carry out a peaceful rally/procession, I am inclined to allow the route as prayed for by the petitioner subject to the following conditions :-

(a) At any point of time, the total number of participants shall not exceed a number of about

500. In order to ensure that the number of participants is limited to 500, the petitioner shall make necessary announcements and issue leaflets, if required.

(b) The organizers shall nominate 10 persons from amongst themselves who shall be held responsible for conducting the procession.

(c) No vehicles shall be permitted in the said procession except for the one, which would carry the tableau and the idol of Lord Rama.

(d) The participants shall not carry or brandish any arms or weapons.

(e) The participants and the organizers shall not use any foul language or incite violence.

(f) The participants shall not carry in the procession any stick, lathi, weapon. However, they would be allowed to carry flags and/or any other symbolic weapons which should be only made of PVC. In case any weapon made of metal is found, Police would be at liberty to seize the same.

(g) The participants shall also abide by relevant pollution norms including sound norms. Only normal sound system i.e. 5/6 microphones be allowed to be used in the procession.

(h) The participants in the procession shall not halt or pause at any place and would continue to gradually proceed towards their final destination.

In case there is any violation of the aforesaid, the police authorities would be at liberty to seize the same.

If the procession is followed by another procession, police authorities would arrange vehicles which would be escorting at the front and back of each procession. Adequate trained police personnel be deployed at the procession.

The procession will start at 8.30 a.m. in the morning and would take efforts to complete the same by 1.00 p.m. on 06.04.2025.

The name of 500 participants with their identity card either in the form of EPIC Card/Aadhaar Card or PAN Card or any other identity card would be submitted to the Office of the Deputy Commissioner of Police, Central Division, Howrah.

A compliance report be submitted before this court on 09.04.2025 when the writ petition will appear under the heading 'To be Mentioned'.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)