

Form No. J(2)

Item No. SL / 01

RKD – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

**Constitutional Writ Jurisdiction
(Appellate Side)**

W.P.A. NO 15775 OF 2026

Arnab Banerjee & Anr.

-Vs-

The State of West Bengal & Ors.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners : Mr. Kalyan Bandopadhyay,
Mr, Sirsanya Bandopadhyay,
Mr. Diptendu Banerjee,
Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh,
Ms. Sneha Sarkar

For the State : Mr. Rajdeep Mazumder,
Ms. Reshmi Ghosh,
Mr. Moyukh Mukherjee

Hearing concluded on : 07.07.2026

Judgment on : 07.07.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.

2. By presenting this writ petition, *inter alia*, petitioners have questioned one email communication dated 6th July, 2026 of Joint Commissioner of Police, (HQ), Kolkata whereby application of West Bengal State Youth Congress dated 1st July, 2026 was negated.
3. Mr. Bandopadhyay, learned senior advocate representing the petitioners submits that an application was made on 1st July, 2026 to convene a rally on 8th July, 2026 in between 3 PM and 6 PM. Said rally was proposed to commence from Ballygunge Phari and would terminate at Lansdown Market via Hazra Road and Lansdown Road.
4. It is also submitted that previously similar application was made on 27th June, 2026 seeking permission to hold rally from the concerned police authorities and same was disallowed on 30th June, 2026. Said rally was scheduled to be organized on 2nd July, 2026.
5. It is further submitted that in order to minimize effect on daily commuters as the rally is scheduled to be organized on a working day one flank of Hazra Road will be left open at the time of organizing rally for vehicular movement.
6. In support of contentions raised in this petition, reliance is placed on the judgment of a coordinate Bench, reported in ***2024 SCC Online Cal 6992 (Tamoghna Ghosh vs. State of West Bengal & Ors.)***.

7. Mr. Mazumder, learned Additional Advocate General representing the State respondents has opposed this writ petition and submissions are made to defend the impugned email communication dated 6th July, 2026 of Joint Commissioner of Police, (HQ), Kolkata whereby application of petitioners dated 1st July, 2026 seeking permission to organize a rally was turned down.
8. It is submitted that if proposed route is followed by the rally organizers, in that event that would cause hardship to the common people as from Sarat Bose Road if rally turns towards Lansdown Market then flow of traffic on Sarat Bose Road will be impacted and there is a hospital located on Sarat Bose Road.
9. It is also submitted that educational institutions are also there. Therefore, if the same proposed route is followed that would also cause inconvenience to the students and guardians.
10. In addition thereto, reliance is placed on an order of a coordinate Bench dated 2nd May, 2023 passed on a writ petition being ***WPA 10702 of 2023 (State Co-ordination Committee & Anr. Vs. The State of West Bengal & Ors.)***.
11. It is submitted that as per said order passed in ***State Co-ordination Committee*** (supra) rally organizers are required to give at least fifteen (15) days notice prior to organizing such rally and

accordingly application is required to be made before the police authority but in the present case same has not been done.

12. According to the State respondents as adequate notice was not given by the petitioners herein impugned communication dated 6th July, 2026 of the concerned police authority may not be interfered with.
13. Taking note of the respective submissions made on behalf of the parties, Court is required to examine email communication dated 6th July, 2026 of concerned police authorities whereby application of the petitioners seeking to organize rally on 8th July, 2026 was negated.
14. Reasons assigned in impugned communication dated 6th July, 2026 on behalf of the police authorities is inconvenience of people at large since a hospital is located within the vicinity and there are some educational institutions which are also located therein.
15. However, there is no whisper in the impugned communication dated 6th July, 2026 of the concerned police authorities that due to inadequate notice petitioners' application was turned down.
16. Since said communication dated 6th July, 2026 is bereft of reason relating to inadequacy of notice as decided by the coordinate Bench in ***State Co-ordination Committee*** (supra), said decision does not come in aid of respondent authorities.
17. However, issues flagged in the communication dated 6th July, 2026 while rejecting the application of the petitioners need to be delved

into as it is stated therein due to hospital and educational institutions which are located within the vicinity, patients and students studying in those institutions may face difficulty.

18. At the same time, Court cannot shut its eyes to the right guaranteed under Article 19(1)(b) of the Constitution of India which was succinctly interpreted by the Hon'ble Supreme Court in the judgment, reported in **(1973) 1 SCC 227 (Himat Lal K. Shah v. Commissioner of Police, Ahmedabad & Anr.)**. In paragraph 42 of **Himat Lal K. Shah** (supra) it was observed that right enshrined under Article 19(1)(b) of the Constitution of India can be regulated in the interest of all so that all can enjoy the right.
19. In **Tamoghna Ghosh** (supra) a coordinate Bench relied upon the judgment rendered in **State of West Bengal vs. Jagannath Chattopadhyay in MAT 2283 of 2023 with I.A. CAN 1 of 2023** wherein it was held that there should be level playing field for all political parties for holding public rallies, gatherings, meetings and law and order has to be looked into by the State. Another judgment was also taken note of which was reported in **2017 SCC Online Cal 1914 (Sasanka Sekhar Dey v. State of West Bengal)**, relevant part of said judgment is quoted below:

“11.....If the assemblage of invitees to the function is not for an unlawful, purpose (which is not

the case of the respondents), then such assemblage at a public place ought not to be restrained until and unless there is an imminent threat to the breach of public order. Even then, the restraint must be just and reasonable balancing the interest of the individual with that of public safety. It must not only be reasonable but also least invasive and minimal. In Ramlila Maidan Incident, In Re: (2012) 5 SCC 1, the Court held:-

“58 the requirements of existence of sufficient ground and need for immediate prevention or speedy remedy is of prime significance. In this context, the perception of the officer recording the desired/contemplated satisfaction has to be reasonable, least invasive and bona fide. The restraint has to be reasonable and further must be minimal. Such restraint should not be allowed to exceed the constraints of the particular situation either in nature or in duration. The most onerous duty that is cast upon the empowered officer by the legislature is that the perception of threat to public peace and tranquillity should be real and not quandary, imaginary or a mere likely possibility.”

20. Accordingly, while permitting the petitioners to organize rally on 8th July, 2026 Court finds it apt to tweak the route to certain extent which would minimize inconvenience to the people at large.

21. Hence petitioners shall be permitted to organize rally with following conditions:

- i) Instead of taking a turn from Hazra Road and Lansdown Road crossing, rally will proceed to Hazra More.
- ii) Rally would be organized in a manner which would commence from Ballygunge Phari and would terminate at Hazra More instead of taking a turn at Lansdown Road towards Lansdown Market.
- iii) The rally would be organized in between 2.30 PM and 4.30 PM.
- iv) There shall not be more than one thousand (1000) participants in the rally to be organized on 8th July, 2026.
- v) One flank of Hazra Road shall be kept open by the rally organizers for vehicular movement.

- vi) Concerned police authorities are directed to regulate vehicular movement during the rally in a manner that would cause less inconvenience to the people who will take that route at the relevant time.
- vii) Rally organizers shall share details of particulars and mobile numbers of ten volunteers who will be responsible for carrying out the directions of this Court at the time of organizing rally by 10 PM today with Joint Commissioner of Police, (HQ), Kolkata.
- viii) Rally organizers shall not use loud speakers.
- ix) Rally organizers will be permitted to use hand-mike and sound limits shall be adhered to.
- x) Concerned police authorities shall make necessary arrangements for security with adequate number of police

personnel so as to ensure no breach of peace takes place.

- xi) After reaching at termination point crowd shall be dispersed immediately.

22. Consequently, email communication dated 6th July, 2026 of Joint Commissioner of Police, (HQ), Kolkata is set aside.
23. The present writ petition stands disposed of.
24. Learned advocates representing the parties are granted leave to communicate gist of this order immediately to the concerned police authorities without waiting for server copy of this order.
25. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)