

18-04-2023  
ct no. 13  
Suppl list. 1  
pk

**WPA 9377 of 2023**

Sandip Dhuli

**-Versus-**

The State of West Bengal & Ors.

Mr. Subir Sanyal,  
Mr. Loknath Chatterjee,  
Mr. Sukanta Ghosh,  
Mr. Apurba Ghosh,  
Mr. Anindya Ghosh,  
Mr. Gouranga Das.

....for the petitioner

Mr. Samrat Sen, AAAG,  
Md. Galib,  
Mr. Debasish Ghosh.

...for the State

1. The petitioner is aggrieved by refusal of communication dated 17<sup>th</sup> April, 2023 issued by the Officer-in-charge, Keshpur Police Station, Paschim Medinipur.
2. By the said communication a permission to hold a public gathering by the petitioner and his associates at Biswanathpur Patna Village (Hat Chala) has been declined.
3. The petitioner had on the 16<sup>th</sup> of April, 2023 obtained permission in writing from the President of the Market Committee, namely, one Madhusudan Karak, of Biswanathpur Patna Village Committee (Hat Chala) had accorded permission in writing by endorsing on the petitioner's letter of request.

4. The petitioner thereafter applied before the Keshpur Police Station for formal permission to hold a peaceful meeting.

5. By the impugned communication, the police declined to refuse to accord permission on the ground that the said Madhusudan Karak, President of Bishwanathpur Patna Village Committee (Hatchala) had objected to the permission of the use of the land for the aforesaid meeting.

6. This Court is unable to appreciate as to how or why a permission already granted by the President of the Village Committee can be objected to by the same person at a subsequent stage. The Officer-in-charge, Keshpur Police Station has further communicated that there are two other persons who had submitted objections for holding of a meeting.

7. This Court notes that at best there are two persons, who are objecting to a meeting being held on a village ground. The village and its Market Committee obviously comprise of more than two persons and definitely a much larger number.

8. A President of the Market Committee having once granted permission to hold a meeting on the Market Ground very mysteriously withdraws and objects to his own consent and/or permission.

9. The matter needs to be enquired into.

10. The said Madhusudan Karak be added as party respondent to the instant proceeding. The learned Advocate-on-record of the petitioner shall effect necessary amendments in the cause title.

11. Let affidavit-in-opposition to the main writ application be filed by the State as well as the said Madhusudan Karak within two weeks from date. Reply, if any, thereto may be filed one week thereafter.

12. The added respondent shall indicate in his affidavit under what circumstances he had granted the permission in the first place and as to why the permission has been objected to subsequently in a short span of time.

13. The petitioner and his associates may hold the meeting as proposed since all arrangements have been made.

14. The police shall make possible arrangements within the time before formal communication of this order.

15. The gist of the order may be communicated by Mr. Md. Galib, advocate for the State, to the Officer-in-charge, Keshpur Police Station immediately.

16. Mr. Sen, learned Senior Advocate has produced certain communications and instructions.

17. This Court has considered the same and has returned them to Mr. Sen for being made part of their affidavit and State may file the same.

18. List the matter on 10<sup>th</sup> May, 2023.

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

**(Rajasekhar Mantha, J.)**