

AD. 11.
January 12, 2021.
MNS.

W. P. A. 176 of 2021
(**Via video conference**)

West Bengal Recognised Un-Aided
Madrasha Teacher's Association and others
Vs.
State of West Bengal and others

Mr. Kallol Basu,
Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Saloni Bhattacharjee

... for the petitioners.

Mr. Amitesh Banerjee

...for the respondent-authorities.

The grievance of the petitioners is that the petitioners' application dated December 24, 2020 for permission to hold a sit-in demonstration from today onwards in front of Bikash Bhavan at Salt Lake or in the adjacent area, was refused by the respondent-authorities on flimsy and inadequate grounds.

Learned counsel for the petitioners submits that such refusal of permission contravenes the fundamental rights of the petitioners enshrined under Article 19 of the Constitution of India.

Learned counsel appearing for the respondent-authorities, in his usual fairness,

submits that there is no difficulty in permitting the sit-in demonstration to be held in a different area than that sought for, that too for a limited period, in order to obviate difficulties ensuing from an indefinite permission. It is submitted that, in the event the sit-in demonstration is held for a reasonably limited number of days, maintaining all protocols which are in place, such permission can be given for the area lying 50 meters away from the gate of the Central Park where a metro car shed is situated, in the direction of the Salt Lake City Center (I).

Upon considering the submissions of the parties, it is evident that the petitioners' fundamental rights to freedom of speech and expression and to assemble peacefully cannot be curtailed by the State. At the same time, a balance has to be struck between the rights of the petitioners and public order as well as security, in view of the stipulations in Article 19(6) of the Constitution of India itself.

In such view of the matter, W. P. A. 176 of 2021 is disposed of by directing the respondent-authorities to permit the petitioners to hold a sit-in demonstration at a venue outside the Central Park, at a distance of 50 meters away from the

gate of the Central Park, where the metro car shed is located, in the direction of the City Center- I, Saltlake City, Kolkata, from today onwards. However, the petitioners, while holding such demonstration, have to restrict themselves within the parameters set up by the Covid-19 protocols as well as all pollution control norms.

The petitioners shall strictly maintain law and order at all points of time during such demonstration.

In case of default on the part of the petitioners to adhere to the aforesaid restrictions and/or any other provisions of law, the respondent-authorities will be at liberty to approach this Court for appropriate directions in that regard.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)