

20.03.2026
14 Court No. 05
(DL) (Suwendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 6515 of 2026

**Vishva Hindu Parishad & Another
–Versus –
State of West Bengal & Others**

Mr. Subir Sanyal
Mr. Krishnendu Sarkar
Mr. Anindya Sundar Das
Mr. Anup Dasgupta
Mr. Sujit Bhunia
Mr. Shaunak Ghosh
Mr. Sourajit Mukherjee
Mr. Syed Ali Afzal
Ms. Paramita Mondal
Ms. Suva Gayen
Mr. Suman Halder
Ms. Shabnam Yeasmin
Mr. Subrata Bairagya
Mr. Anuvab Das

....for the petitioners

Mr. Kishore Datta, Ld. AG
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Soumen Chatterjee

....for the State respondents

1) Matter is heard at length in presence of learned advocates representing the petitioners and State respondents.

2) An organization namely Vishva Hindu Parishad, Sri Ram Navami Shobha Yatra Samity (hereinafter referred to as “said organization”) and its President have

approached before this Court with the present writ petition, *inter alia*, praying for necessary directions upon the concerned police authorities which would facilitate said organization to organize Ram Navami rally on 26th March, 2026.

3) Mr. Subir Sanyal, learned Senior Advocate representing the petitioners ably assisted by Mr. Krishnendu Sarkar, learned advocate, has drawn attention of this Court to the order passed by the coordinate Bench on 4th April, 2025 on a writ petition being **WPA 7511 of 2025 (Vishva Hindu Parishad, Howrah Mahanagar & Anr. Vs. State of West Bengal & Ors.)** involving same issue. It is submitted that imposing certain restrictions the coordinate Bench in its order dated 4th April, 2025 permitted said organization to organize rally on the day of Ram Navami and as such in the present year too said organization may be permitted to organize rally on 26th March, 2026 on the route which was followed in the previous year. It is contended that restrictions which were imposed by the coordinate Bench in the order dated 4th April, 2025 may be made applicable in organizing rally in this year.

4) Said organization made an application dated 17th February, 2026 addressed to the Commissioner of Police, Howrah City Police being respondent no. 5 seeking permission to organize rally on 26th March, 2026. Said application dated 17th February, 2026 was responded to by the Assistant Commissioner of Police

(Head Quarter), Howrah Police Commissionerate being respondent no. 7 vide memo dated 12th March, 2026. It was stated in said memo dated 12th March, 2026 that time schedule of the rally was not appropriately maintained in 2025 and more than five hundred persons participated in the rally in contravention of the order passed by the coordinate Bench on 4th April, 2025. In addition thereto, it was also stated that though only one vehicle was permitted to be used in the rally but apart from one vehicle many motor-cycles were found present in the rally. Taking note of alleged violation of conditions imposed by the coordinate Bench in the order dated 4th April, 2025, concerned police authority suggested change of route to organize the rally along with other conditions to be followed and accordingly said organization was directed to submit fresh application seeking permission.

5) It is contended on behalf of the petitioners that the route which was followed in 2025 was not a new route but same alignment was followed while organizing the rally for number of years and there is no justification so far as police authorities are concerned to suggest alternative route to organize rally in 2026.

6) Reliance is placed on the order of the coordinate Bench dated 4th April, 2025 and prayer is made that following the directions as contained in said order in this year said organization may be permitted to organize the rally.

7) State respondents are represented by Mr. Kishore Datta, learned Advocate General who opposed this writ petition based on provisions as contained in Article 19(1)(a) and 19(1)(b) of the Constitution of India and reasonable restrictions thereof vis-à-vis judgment of the Hon'ble Supreme Court reported in **(1973) 1 SCC 227 (Himat Lal K. Shah Vs. Commissioner of Police, Ahmedabad & Another)**.

8) It is submitted on behalf of the State respondents that police authorities did not negate the application of the petitioners seeking permission to organize rally but certain restrictions were suggested for the year 2026 in view of ensuing election and to maintain peace during the period when rally is to be organized.

9) It is submitted in reference to Article 19(1)(a) and 19(1)(b) that State authorities are empowered to impose reasonable restrictions and so far as present case is concerned it was suggested that petitioners should follow the particular route and number of participants as indicated in the memo dated 12th March, 2026 issued by the respondent no. 7. In this regard, reliance is placed on the judgment of another coordinate Bench dated 15th April, 2024 passed on a writ petition being **WPA 9937 of 2024 (Vishva Hindu Parishad & Anr. Vs. The State of West Bengal & Ors.)** wherein the coordinate Bench was considering the rally to be organized by said organization in 2024. It is submitted by the learned Advocate General that in terms of said judgment dated 15th April, 2024 number

of participants in the rally was restricted to two hundred. Therefore, it is contended that considering situation prevailing at the material point of time it is within the domain of the police authorities to impose certain restrictions which does not find fault with the provisions as enshrined under Article 19(1)(a) and 19(1)(b) of the Constitution of India. In order to buttress such submission reliance is placed on paragraph 42 of **Himat Lal K. Shah** (supra).

10) Taking note of the submissions made on behalf of the State respondents and on perusing memo dated 12th March, 2026 issued by the respondent no. 7, it appears that though police authorities have not disallowed the application of said organization praying for permission for rally on Ram Navami day in 2026 but the authorities suggested certain restrictions including one to change the route of rally and number of participants in the rally needs to be restricted to five hundred and not more than that.

11) As it is contended on behalf of said organization that said organization is ready to adhere to the conditions imposed by the coordinate Bench in the order dated 4th April, 2025 and in said order number of participants in the rally was also restricted to five hundred, Court finds that in this year while organizing Ram Navami rally number of participants needs to be restricted to five hundred and not more than that.

12) Question is whether a different route suggested by the respondent no. 7 in the memo dated 12th March, 2026 is required to be followed or not.

13) This Court cannot brush aside the fact that in previous year said organization conducted rally following the route which has been followed in 2026 while seeking permission vide application dated 17th February, 2026. The coordinate Bench on identical situation permitted the said organization to follow the same route. The order dated 4th April, 2025 was not appealed against and same attained finality.

14) As per paragraph 42 of **Himat Lal K. Shah** (supra) right as 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. Such observation of the Hon'ble Supreme Court needs to be considered on the context of reasons assigned in memo dated 12th March, 2026 by the respondent no. 7 for changing the route in the year 2026 in order to organize said rally. Two reasons are assigned, firstly as the proposed route falls on the area which is beside Shibpur Police Line where regular activities related to election preparedness, training of personnel and other administrative arrangements are being conducted and said rally may hamper these essential activities including election related movement and secondly, stretch from Kazipara to Mallick Fatak on G.T. Road was assessed to be sensitive from the point of view of

maintenance of public order and communal harmony considering past incidents.

15) Concern highlighted by respondent no. 7 in the memo dated 12th March, 2026 relating to election can be addressed appropriately by giving direction upon the police authorities to depute adequate police personnel at the place where election activities are going on. Plea of sensitive area as demonstrated in memo dated 12th March, 2026 requiring change of route is found to be not tenable since following the same route in previous years rally was organized in terms of the orders passed by the coordinate Benches. Therefore, observations contained in paragraph 42 of **Himat Lal K. Shah** (supra) should not be construed to stand in the way in permitting said organization to hold rally on Ram Navami day if the restrictions which were imposed in the previous year are followed. Hence, Court permits said organization to organize rally following the same route which was followed in the previous year subject to following conditions :-

- i. At any point of time, the total number of participants shall not exceed a number of about five hundred. In order to ensure that the number of participants is restricted to five hundred, said organization shall disseminate information by public announcement and by distributing leaflets, if necessary.

- ii. Said organization shall depute fifteen persons who are members of said organization who shall be held responsible for conducting the rally. Mobile numbers of those fifteen members of said organization shall be shared with the concerned police authorities.
- iii. No vehicle shall be permitted in the rally except one vehicle which would carry the tableau and the idol of Lord Rama.
- iv. Participants shall not carry or brandish any arms or weapons.
- v. Participants during rally shall not shout slogans which shall incite communal tension.
- vi. Participants shall not carry in the rally any stick, lathi or weapon. However, they will 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, concerned police authorities will be at liberty to take necessary steps in accordance with law.
- vii. Participants shall also abide by the relevant pollution norms including sound limits. Only normal sound system, i.e. 5/6 microphones be allowed to be used in the rally. Participants shall not use DJ sound system.

16) Participants in the rally shall not halt or pause at any place and would continue to gradually proceed towards their final destination.

17) In the event there is violation of the conditions stipulated hereinabove, police authorities shall be at liberty to take steps in accordance with law. Police authorities shall also be at leave to utilize vehicles which will be escorting at front and back of the rally. Adequate trained police personnel be deployed at the rally to maintain law and order during the period when rally is to be organized.

18) The rally shall start at 3.00 pm and all efforts shall be made to complete the rally by 6.00 pm on 26th March, 2026.

19) Names of five hundred participants with copies of photo Identity Cards will be submitted to the Office of the Deputy Commissioner of Police, Central Division, Howrah being respondent no. 6 prior to organizing rally.

20) A report be submitted on behalf of the police authorities before this Court on 1st April, 2026 when this matter will appear under the heading "To Be Mentioned".

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

(Saugata Bhattacharyya, J.)