

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 26352 of 2023
Subha Saha
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Debanshu Ghorai
Mr. Dip Jyoti Chakraborty
Mr. Amit Halder
Mr. Shouryadeep Saha
Mr. Rajdeep Adhikari
.....Advocates

For the State : Mr. Ansar Mondal
Mr. Ashis Dutta
.....Advocates

Heard lastly on : 24.11.2023

Judgment on : 24.11.2023

Jay Sengupta, J:

This is an application challenging certain restrictions imposed on conducting processions /offering puja during Rash utshab.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the local police administration in league with Nabadwip Central Rash Utsab Committee is trying to stifle the rights of common citizens of Nabadwip in performing 'Shobha Yatra' during Rash Purnima to be held on 27th of this month. A ban has been put on the use of musical instruments. Playing instruments like 'khol', 'kartal', etc in such "Shobha Yatra" is an essential religious practice. It has also been stated that only 3 to 5 persons representing a particular puja would be able to do a procession.

Learned counsel appearing on behalf of the State denies the allegations and submits as follows. Certain restrictions have been imposed only to maintain law and order. Afterall, this is an international event. In fact, certain incidents happened last year that lead to registration FIRs.

It appears from the report that the Committee, which is in-charge of holding the Rash Utsab, had actually arrived at such restrictions. It was in view of such restrictions that the police have published a leaflet incorporating the same.

The restriction that for every puja offering, three to five persons would participate in a march/procession appears to be quite reasonable. So, the same is not interfered with.

However, the devotees should not be prevented from using musical instruments in the "Shobha Yatra" provided that the sound is within

permissible limits. Therefore, the relevant restriction stands modified accordingly.

The petitioner also undertakes not to cause any disturbance and to follow all other norms in conducting their “Shobha Yatra”.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)