

## Deshma Ghosh Vs State Of West Bengal & Ors

**Court:** Calcutta High Court (Appellate Side)

**Date of Decision:** Jan. 31, 2025

**Hon'ble Judges:** Jay Sengupta, J.

**Bench:** Single Bench

**Advocate:** Saptansu Basu, Biswaroop Bhattacharjee, Arkadipta Sengupta, Sumitava Chakraborty, Sankha Biswas, Ankan Das, Abhrajit Roy Chowdhury, Utsa Poddar, Wasim Akram, Sirsanya Bandopadhyay, Ritesh Kr. Ganguly, Neil Basu, Arka Kumar Nag, Debjani Ghosal, Debanik Banerjee, Akash Ganguly, Huzdifa Shahid

**Final Decision:** Dismissed

### Judgement

Jay Sengupta, J

1. This is an application, inter alia, praying for a direction upon the State and the College authorities to provide adequate security and protection in the

Jogesh Chandra Chaudhuri College and the Jogesh Chandra Chaudhuri Law College situated at 30&33, Prince Anwar Shah Road, Kolkata-700033

and to ensure that no outsider can forcefully enter into the college campus and hamper the free ingress and egress to the Saraswati Pujas that are to

take place there.

2. Learned senior counsel representing the petitioner submits as follows. The petitioner is a student of 9th Semester at the Jogesh Chandra Chaudhuri

Law College. For the two colleges being the Day College and the Law College, there are two Saraswati Pujas that are held every year. This time a

structure has been built in the College campus in such a fashion that the ingress and egress to the other side is substantially blocked. Therefore, it will

not be possible for the Law College students to perform the Saraswati Puja at their place. The issue has been raised before the respective College

authorities. But, no solution came out. In fact, the outsiders who are getting into the College premises are threatening people and are endangering the

life and liberty of students going there. Some five of those outsiders had earlier been prevented by this Court in WPA 24026 OF 2023 not to create

any disturbance in the College or in the vicinity. The Officer-in-Charge who is supposed to look into all these is hand in gloves with the said five errant

individuals. Appropriate directions may be passed on the College authorities and the State so that the College students of both the Colleges can carry

out their respective Saraswati Pujas without undue interference by outsiders.

3. Learned counsel appearing on behalf of the Governing Body of the Day College and the Teacher-in-Charge of the Law College, upon instructions

submits as follows. For quite sometime now, there has been no union election in the Colleges. Some portions of the Colleges are often frequented by

outsiders and the College authorities are in no position to prevent them. Police have been informed in this regard. The structure that is allegedly

blocking the ingress and egress has not been wound up by any group. However, the Governing Body of the Day College has decided that their

Saraswati Puja would be confined to the veranda of car park (Ã¢â¬ÅGari VerandaÃ¢â¬Å). The Puja of the Law College students would take place at the

same place where it is usually held.

4. Learned senior standing counsel representing the State denies the allegations and submits that police personnel are posted at the gates to see that no

untoward incidents take place.

5. Learned counsel appearing on behalf of the Principal of the Day College, who is present in Court, submits that he has already informed the

appropriate authorities about the interference by certain individuals. He is unable to enter the premises himself. Let the police not allow at least

persons named in FIRs to enter the premises.

6. Heard the learned counsels for the parties.

7. It appears that students of the Day College and the Law College had been holding their respective Saraswati Pujas for quite some time now. There

is no special reason that the same should not be permitted this year.

8. It also appears that there is a structure built by someone who is not owning it up. Both the College authorities disown the structure. It purportedly

prevents the ingress and egress to the other side. Therefore, let the said structure be removed by the police authorities.

9. Let the Inspector/Officer-in-Charge of Charu Market remove the said structure by 12 noon tomorrow i.e., 1st February, 2025.

10. The present students of the two Colleges as nominated/designated by their respective Principals would be in charge of holding their respective

Saraswati Pujas.

11. For the demolition of the structure which is blocking the ingress and egress, necessary videography has to be done by the local police authorities

while the performance of Pujas will be videographed by the respective College authorities.

12. The police under the supervision of any Officer of the rank of Joint Commissioner of Police, Kolkata, as nominated by the Commissioner of Police,

Kolkata would ensure that no breach of peace takes place at the venue and in the vicinity. They shall post armed police in adequate numbers in front

of the College to ensure safety and security of the students, the teachers and the passers-by.

13. The protection shall continue till the emerson rituals take place for the idols.

14. All parties shall co-operative with the above.

15. List this matter for hearing under the same heading on 05th<sup>th</sup>, February, 2025 at 2pm.

16. Parties to act on the server copy of this order downloaded from the official website of this Court.