

11.09.2026
Item Nos.3 & 4
PG/KS
Ct. No.1

M.A.T. 1545 of 2026
+
I.A. No. CAN 1 of 2026
State of West Bengal & Ors.
Vs.
Asit Mazumder

With
M.A.T. 1546 of 2026
+
I.A. No. CAN 1 of 2026
+
CAN 2 of 2026
Jagannath Jew Trustee Board
Vs.
Asit Mazumder & Ors.

Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Srijib Chakraborty
Mr. Suryaneel Das
Mr. Anish Kumar Mukherjee
Mr. Sunny Nandy
Mr. Tamoghna Pramanick
Ms. Megha Datta

.....For the Appellants/State
[In MAT 1545 of 2026]
.....For the State
[In MAT 1546 of 2026]

Mr. Kalyan Bandopadhyaya, Sr. Adv.
Mr. Anit Das
Mr. Sirsanya Bandopadhyaya
Mr. Rahul Kumar Singh
Mr. Md. Danish Farooqui

.....For the Respondent
Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Aditya Mondal

.....For the Appellants
[In MAT 1546 of 2026]

ORDER (Per Court) :

1. We have heard the learned counsel appearing for the parties in both these appeals, along with the connected applications. We have gone through the impugned order dated 10/09/2026, passed by the learned Single Judge.
2. It is strenuously canvassed by the Appellants that the learned Single Judge has erred in granting permission to the Petitioner to hold a political meeting on a private land. No political party can be permitted to hold a political meeting/rally/dharna/agitation, etc., on a private land without the consent of the land owner. The Senior Counsel Mr Bandopadhyaya, fairly submits that land of a private owner cannot be utilised for such purpose, without the consent of the owner.
3. In the light of the judgments delivered by the Hon'ble Supreme Court in *Shivdev Singh & Ors. Vs. State of Punjab & Ors.* reported in *AIR 1963 SC 1909*, *Union of India Vs. Nareshkumar Badrikumar Jagad & Ors.* reported in *(2019) 18 SC 586*, a judgment recently delivered on 27.02.2026 by the Hon'ble Supreme Court in *SLP (Civil) No.8737 of 2021 (Dr. Jiji K.S. & Ors. Vs. Shibu & Ors.)*, and the judgment delivered by the learned Single Judge of this Court in W.P. 31536 (W) of 2014 (*Himangshu Mondal & Ors. vs. The State of West Bengal & Ors.*) reported in *2014 SCC OnLine Cal 22603*,

we called upon the Appellants, as to whether this ground was seriously taken up by the parties and whether the learned Single Judge was addressed on the legality of permitting such a Meeting to be held on private land.

4. The learned senior counsel Shri Choudhary, for the Appellant Trust contends that it was not arrayed as a Respondent in the Writ Petition before the learned Single Judge bench. He is directly affected by the impugned order. He desires that the Appellant deserves a hearing before an order is passed concerning the use of the land of the trust. However, the trust has not filed a Review Application for allowing it to intervene and be granted a hearing to review the order which directly affects the trust. We expressed a view as to why the Appellants should not address the learned Single Judge Bench, instead of criticising the order on a ground which was not addressed to the said Court.

5. The learned Counsel for the Appellants submitted that they seek withdrawal of these Appeals in order to file Review Petitions before the learned Single Judge and take up the said issue.

6. After considering the submissions of the learned Counsel for the Appellants, learned Senior advocate, Sri Kalyan Bandyopadhyaya submitted that, the Appeals are not

maintainable and should be dismissed. Review Petitions can be filed. However, in fairness, he would respond if the Appellants before the Court today, file Review Applications on the ground raised in these two appeals, which is as under:-

“Whether a political or a public rally or an agitation or a Dharna or a Meeting, could have been held on the land belonging to Jagannath Jew Trustee Board, said to be a private land?”.

7. Learned Senior Advocate, Mr. Bandyopadhyaya submitted that the original Petitioner is keen on holding a Meeting at the earliest. He, therefore, prayed that this Court may request the learned Single Judge to deal with the Review Applications, expeditiously.

8. The learned advocate for the Appellant Trust, joined him in submitting that such request can be made and this Court may also consider requesting the learned Single Judge to deal with the said issue at the earliest.

9. Mr. Bandyopadhyaya submitted that this issue may be decided within a week. He expressed an apprehension that the Appellants may prolong the filing of the Review Applications. Learned senior advocate for the Appellants submitted that they will be filed on or before 15th September, 2026 without certified copies of the order dated 10.09.2026 passed by the learned Single Judge, but, with the print out

copy of the order, which is uploaded on the official website of the Calcutta High Court, in physical form. He further submits that the physical copies of the Review Applications and the accompanying documents would be served upon the learned counsel for the original petitioners on the same day. We accept the said request.

10. Sri Bandyopadhyaya, submits that the replies in opposition would be filed by 16th September, 2026 and copies would be served upon the Review Applicants. All the parties submit that they would request the learned Single Judge to hear them on 17th September, 2026 and if required, on 18th September, 2026 so as to conclude their submissions. They also assure that they would tender their brief Written Notes of Submissions for the assistance of the learned Single Judge.

11. In view of the above, **both these Appeals along with the connected CAN Applications are disposed off as withdrawn**, on instructions. These appellants would be at liberty to file their Review Applications, in the light of the above statements.

12. We are aware of the pressure of work on every Court. Considering the peculiar circumstances in these matters and the fact that the Appellants are canvassing a point, before us, as a ground for setting aside the learned Single Judge's order, which was not canvassed before the

learned Single Judge and, as the owner of the Jagannath Jew Trustee Board was not even a party to the proceedings, that we request the learned Single Judge to permit the Jagannath Jew Trustee Board to be added as a Respondent in the Writ Petition and consider the Review Applications of both these Appellants, on their own merits.

13. We request the learned Single Judge to make an endeavour to pass an order by 25th September, 2026. However, at the same time, with respect, we permit the learned Single Judge, if he finds himself short of time, to pass an order within an appropriate period.

14. We have recorded the gracious statement made by Sri Bandopadhyaya on 10.09.2026, that the said Meeting/Rally would be postponed so as to have a verdict on this issue.

15. We permit the parties to act on the print-out copies of this order, obtained from the official website of the Calcutta High Court, or on the certified true copies, if applied for, and the same be furnished to the parties expeditiously upon compliance of all legal formalities.

(Tapabrata Chakraborty, J.)

(Ravindra V. Ghuge)
Chief Justice

