

WPA(P) 371 of 2022

**Rama Prasad Sarkar
Vs.
The Union of India & Ors.**

Mr. Rama Prasad Sarkar
... .. petitioner-in-person
Mr. Dhiraj Trivedi
Mr. Shailendra Kr. Mishra
... .. for the Union of India
Mr. S.R. Chowdhury
... .. for the respondent no.4

The affidavit of service filed by the petitioner is taken on record.

The grievance raised by the petitioner in this public interest petition is as against the rally organized by the respondent no.4 on 9th August, 2022 to commemorate the launching of Quit India Movement in 1942.

Submission of the petitioner is that the Quit India Movement was launched on 8th August, 1942. Therefore, the rally should also be held by the respondent no.4 on that date and not on 9th August, 2022 which is day of Muharram. He has further submitted that learned Single Judge has committed an error in passing the order dated 3rd August, 2022 in WPA 17466 of 2022 and granting permission for such a rally.

Learned counsel for the respondent no.4 has objected to maintainability of the petition and has also submitted that even a copy of the petition has not been served upon the respondent no.4.

Having heard the learned counsel for the parties and on perusal of the record, it is noticed that the

learned Single Judge in the order dated 3rd August, 2022 passed in WPA 17466 of 2022 in the matter of Sukanta Choudhuri Vs. The State of West Bengal and others at the instance of one of the office bearers of the respondent no.4 has considered the issue of holding the event and procession on 9th August, 2022 to commemorate the 80th Anniversary of Quit India Movement.

The learned Single Judge has duly considered the fact that on the very day Muharram will be observed and taking into account the said fact the learned Single Judge has permitted the respondent no.4 to hold the event including the procession on 9th August, 2022 on the specified route and has also issued necessary direction in this regard.

The order passed by the learned Single Judge in exercise of the writ jurisdiction cannot be questioned in a public interest litigation. The petitioner is not justified in finding fault with the order of the learned Single Judge. The issue which is raised in this public interest petition has duly been considered by the learned Single Judge. That apart even a copy of the petition has not been served upon the respondent no.4. Hence, for the reasons mentioned above the public interest litigation cannot be maintained which is accordingly dismissed as not maintainable.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)