

23 28.09.2022

gd/ssd

MAT/1566/2022
IA NO: CAN/1/2022
DATELINE COMMUNICATIONS PRIVATE LIMITED
VS
UNION OF INDIA AND ORS.

Mr. Iftekar Munshi,
Mr. Sounak Mukherjee
..for the Appellant.

Mr. L.K. Gupta,
Mr. Arjun Roy Mukherjee,
Ms. Saheli Mukherjee
..for the Respondent Nos.2 to 6.

Mr. Debasish Ghosh,
Ms. Piyali Sengupta,
Mr. Domingo Gomes
..for the State.

This intra court appeal at the instance of the appellant (writ petitioner) is directed against the order of the learned Single Judge dated 20th September, 2022 whereby WPA 19634 of 2022 has been dismissed.

The appellant is a Private Limited Company which had filed the writ petition with the plea that under the appellant since last 15 years Durga Puja is organised and that the appellant had sought permission from the respondent no.3 to organise the Sarbojonin Durga Puja in the month of October, 2022 on the vacant ground at the Tagore House Premises of Durgapur Steel Plant Township. In the previous two years Durga Puja was organised by the appellant at some other place. The

permission was declined by the respondent no.6 by communications dated 16th August, 2022 and 18th August, 2022. Hence, a prayer was made in the writ petition to issue a Mandamus to respondent no.6 to grant “no objection certificate” to the appellant to organise the Sarbojonin Durga Puja at the vacant ground opposite Tagore House.

Learned Single Judge has examined the issue and has found that no legal right exists in favour of the petitioner to get such a relief. Learned Single Judge has also considered the reasons for refusal of permission.

Learned counsel for the appellant submits that the appellant wants to perform the Puja in the vacant land inside the Tagore House and no legal right is required to get such a relief. He submits that this park is a public place and no reasons have been disclosed for refusing the permission and that the alternate place is inconvenient.

Learned counsel for the respondent nos.2 to 6 has submitted that the Tagore House is a prestigious place where senior officers reside and that earlier permission was granted to the appellant to perform the Puja in the room which is tenanted but misusing it, he had caused nuisance, therefore, the permission has been refused by assigning due reasons and that the respondent no.2 to

6 are ready to give an alternate place to the appellant which is the open space outside and away from the Tagore House and about 62 such permissions to other applicants have been granted.

Having heard the learned counsel for the parties and on perusal of the record, we find that the respondent no.6 has duly considered the petitioner's application for grant of permission and the rejection order dated 16.08.2022 contains adequate reasons for denying the said permission. The appellant had prayed for the Writ of Mandamus, therefore, it was necessary for the appellant to establish the legal right for seeking such a Writ. In this regard learned Single Judge has rightly placed reliance upon the judgment of the Hon'ble Supreme Court in the case of *Dr. Rai Shaivendra Bahadur v. Governing Body of the Nalanda College, Bihar Sharif* reported in *AIR 1962 SC 1210*. It is also noticed that the land, for which the appellant is seeking permission, has been purchased by the respondent/DSP through the acquisition proceedings sometime in 1950s, and, therefore, the appellant is seeking permission to perform Puja on the land which belongs to the respondents. So far as the plea of the appellant that the land is a public park, is concerned, learned Single Judge has already recorded that the DSP cannot close the public park/space meant for general

use and that the petitioner is not representing the public at large and the right, which the petitioner is claiming, is not equivalent to a person/citizen's right.

Hence, we find that the learned Single Judge has rightly examined the entire issue in proper perspective and has assigned due reasons for dismissing the writ petition. Therefore, no case for interference is made out in this appeal.

The appeal is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

