

30.01.2025
Item No.13+14
PG/KS
Ct. No.1

W.P.A.(P) 293 of 2024
With
I.A. No. CAN 1 of 2024
With
I.A. No. CAN 2 of 2024
With
I.A. No. CAN 3 of 2024
With
I.A. No. CAN 4 of 2024
With
I.A. No. CAN 5 of 2024
With
I.A. No. CAN 6 of 2024

Dibayan Banerji
Versus
The State of West Bengal & ors.
With

R.V.W. 2 of 2025
With
I.A. No. CAN 1 of 2025
With
I.A. No. CAN 2 of 2025

M/s. Bharati Ads & Anr.
With
The State of West Bengal & Ors.

Mr. Dibayan Banerji..... petitioner (In person)
W.P.A. (P) 293 of 2024

Mr. Probal Mukherjee, Sr. Adv.
Mr. Souradipta Banerjee
Ms. Fatima Hassan
Ms. Deblina Chattaraj.....for the applicants in
I.A. No. CAN 1 of 2024
&
I.A. No. CAN 2 of 2024
[W.P.A. (P) 293 of 2024]

Mr. Anindya Lahiri, Sr. Adv.for the applicants in
Mr. Ratikanta Pal I.A. No. CAN 5 of 2024
&
I.A. No. CAN 6 of 2024
[W.P.A. (P) 293 of 2024]

Ms. Somali Mukhopadhyay.....for the review applicants
RVW 2 of 2025

Mr. Sirsanya Bandyopadhyay, Sr. Standing Counsel
 Mr. Arka Kr. Nag
 Mr. Tirthankar Dey.....for the Bidhannagar
 Municipal Corporation

Mr. Biswabrata Basu Mallick
 Mr. Sayan Ganguly.....for the State

In Re: I.A. No. CAN 1 of 2024

&

I.A. No. CAN 2 of 2024

1. In the light of the orders passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.(s) 1164 of 2025 dated January 27, 2025, these applications are disposed of.
2. Liberty is granted to the applicants, who are also members of the association to pursue their grievance through their association.

In Re: I.A. No. CAN 3 of 2024

3. This is an application for addition of parties. On perusing the averments made in this application, this Court is satisfied that the applicants have made out sufficient cause for being added as necessary parties in the writ petition.
4. Accordingly, I. A. No. CAN 3 of 2024 is allowed.
5. Cause title of the writ petition shall be amended accordingly.

In Re: I.A. No. CAN 4 of 2024

6. The petitioner appearing in person seeks time to file affidavit in opposition to the said application.

7. Let such affidavit be filed within two weeks from date; reply thereto, if any, may be filed within a week thereafter.
8. Liberty is given to the Bidhannagar Municipal Corporation also to file their affidavit in opposition to I.A. No. CAN 4 of 2024 within the said time-frame.

In Re: R.V.W. 2 of 2025

9. This review application has been filed by two individual advertising agencies.
10. In the light of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.(s) 1164 of 2025 dated January 27, 2025, a member of the association cannot individually pursue the matter and it is admitted by the learned advocate for the review applicants that her clients are members of the association. Therefore, as long as they continue as members of the association, they have to espouse their grievance through the association in terms of the liberty granted by the Hon'ble Supreme Court.
11. Accordingly, the review application is disposed of.

In Re: I.A. No. CAN 5 of 2024

12. This is an application for addition of advertising agencies as parties to the writ petition.
13. In the light of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.(s) 1164 of 2025 dated January 27, 2025, this application is unnecessary.

14. Liberty is granted to the applicants/agencies to espouse their grievances through the association.
15. Accordingly, the application is disposed of.

In Re: W.P.A. (P) 293 of 2024

16. Pendency of the writ petition will not be a bar for the association consisting of advertising agencies to make a representation before the Commissioner, Bidhannagar Municipal Corporation in which they should unequivocally agree that they are willing to be regulated in terms of the relevant statute framed by the Municipality or any other regulation, rule and guidelines and if such representation is made, the Commissioner of the Municipality shall give a hearing to three office bearers of the association and take appropriate decision in the matter and the said decision be placed before this Court on the next hearing date.
17. List this matter on February 27, 2024.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)