

04
10.01.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 587 of 2025

**Association for Protection of Democratic
Rights & Anr.**

-versus

The State of West Bengal & Ors.

**Ms. Jhuma Sen,
Ms. Swastika Chatterjee,
Ms. Ankita Roy.
...For the Petitioners.**

**Mr. Kishore Datta, Ld. A.G.,
Mr. Anirban Ray, Ld. G.P.,
Mr. K.J. Yusuf, Ld. AGP,
Mr. Sourav Chowdhury.
...For the State.**

**Mr. Supratim Laha,
Mr. Suman Kumar Mukherjee,
Mr. Arijeet Das Mullick.
...For the Respondent
Nos. 3, 4 and 5.**

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner no.1 claims to be the oldest active civil and democratic rights organization in the country.

3. In response to an advertisement published by the Publishers and Booksellers Guild the petitioners filed an application for setting up a stall in the ensuing 48th International Kolkata Book Fair.

4. The petitioners are aggrieved as the organizer is not permitting the petitioners to set up the

stall at the said event because the petitioners are unable to produce the licence/registration certificate and catalogue.

5. The last date for making the application was 30th October, 2024 and today is the date for holding the lottery for allotment of the stalls.

6. The learned advocate for the petitioners has very fairly submitted that the petitioners do not have any licence/registration certificate and submits that as per the prevailing convention there is no requirement for seeking such license/registration certificate.

7. The petitioners insist that the writ petition would be maintainable against the Guild. In support of the said submission the petitioners rely upon the judgment delivered by the Hon'ble Supreme Court in the matter of ***Ajay Hasia & Ors. -vs- Khalid Mujib Sehravardi & Ors.*** reported in ***(1981) 1 SCC , 722.***

8. Prayer has been made to direct the Guild to permit the petitioners to set up the stall in the book fair as it has been done for the last so many years.

9. Learned advocate appearing on behalf of the Guild submits that as the petitioners do not have a regular licence/registration certificate, accordingly, the petitioners cannot be permitted to set up the stall. The book fair is meant for the publishers and booksellers. The petitioners are neither publishers nor booksellers and, accordingly, stall cannot be allotted in their favour.

10. It has further been submitted that the organizer needs to keep track of the participants in the book fair so that no untoward incident happens.

11. It has been contended that the writ petition against the Guild will not be maintainable.

12. Learned Advocate General submits that the writ petition against the Guild will not be maintainable. The book fair is not a public event organized by the State.

13. Upon hearing the parties and upon perusal of the documents placed before this Court, the Court is of the opinion that the Guild is not performing any public duty or work. It is a private body and the writ petition against the Guild will not be maintainable.

14. In view of the above, no relief can be granted to the petitioner in the instant case.

15. The writ petition fails and is hereby dismissed.

16. It will, however, be open for the petitioners to approach the competent forum for remedy, if so advised.

17. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)