

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

W.P.A 1656 of 2025

**The President of AYNM Foundation
-versus
Syama Prasad Mukherjee Port, Kolkata & Ors.**

**Mr. Probal Mukherjee. Sr. Adv.
Mr. Ayan Poddar.
Mr. Arunabha Som.
Mr. Soham Dutta.
Mr. Ayan Dutta.
Ms. Anjali Shaw.
...For the Petitioner.**

**Mr. Abhrajit Mitra. Ld. Sr. Adv.
Mr. Snehashis Sen.
Mr. Abhisek Banerjee.
Mr. Ashim Nair.
... For the Port.**

**Mr. Swapan Banerjee.
Mr. Diptendra Narayan Banerejee.
... For the State.**

1. The petitioner is aggrieved by the withdrawal of permission to use the land of the Haldia Dock Complex where permission was granted for organizing Prarthana Mahautsav. The permission was granted in favour of the petitioner on 26th December, 2024 for using the subject land from 15th January, 2025 to 23rd January, 2025 subject to the terms and conditions as mentioned in the permission letter.

2. The petitioner deposited a sum of Rs. 24,971/- as per the prevailing schedule of rates which was accepted by the authority by issuing receipt thereof. The petitioner also made arrangement and took permission for use of microphone/loud speaker from

the Sub Divisional Officer, Haldia and necessary clearance from the Fire and Emergency Services authority, the WBSEDCL and the other authorities.

3. In the midst of the preparation for the Mahautsav, the permission to use the land was withdrawn by the Port on 17th January, 2025 citing “unavoidable compelling circumstance”.

4. The authority intimated the petitioner that the rent paid by the petitioner shall be refunded in the bank account of the petitioner to be provided along with a copy of the cancelled cheque.

5. The petitioner submits that relying on the permission issued by the authority, the petitioner took subsequent steps and invested huge sum of money for obtaining the permissions, other statutory requirements and for making the tent.

6. Prayer has been made to permit the petitioner to use the land in terms of the permission granted.

7. Learned senior counsel representing the respondent authority submits that the permission was granted inadvertently. The land policy guidelines of the Port Trust authority does not permit letting out of land for religious purpose.

8. The authority has disclosed before the Court that the rent paid by the petitioner will be refunded to the petitioner in the bank account to be provided by the petitioner.

9. Maintainability of the writ petition has also been challenged by the Port Trust authority.

10. Learned senior counsels representing both the parties have produced before this Court

photographs in support of their respective submission with regard to the construction of tent and gate for holding the event. It appears that apart from the entry gate of the tent, no other construction has been made by the petitioner. As the permission stood withdrawn on 17th January, 2025, the gate leading to the subject land was immediately closed by the Port authority. The petitioner had no access to the subject land and accordingly no further construction could be made.

11. The event is scheduled to be held on 22nd and 23rd January, 2025. The organizers, by this time, ought to have made alternate arrangements for holding the event.

12. As the land policy guidelines of the Port Trust authority restricts letting out of land for religious purpose, the Court is not inclined to pass any direction upon the authority to act contrary to their land policy guidelines.

13. In view of the above, the writ petition fails and is hereby dismissed.

14. The petitioner seeks leave to approach the Civil Court claiming compensation. Learned senior counsel representing the Port submits, upon instruction that, the respondent authority will refund the petitioner a consolidated sum of Rs. 50,000/- (rupees fifty thousand) only which includes the ground rent deposited by the petitioner.

15. Leave sought for by the petitioner is disallowed taking into consideration the aforesaid submission made on behalf of the Port.

16. The Port authority is directed to refund a sum of Rs. 50,000/- (rupees fifty thousand) only to the petitioner who will immediately forward a copy of the

cancelled cheque to the respondent authority where the money shall be refunded within a period of five days from the date of receipt of the cancelled cheque.

17. Instruction forwarded by the Inspector-in-Charge, Haldia P.S. Purba Medinipur signed on 21st January, 2025 be retained with the records.

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

(Amrita Sinha, J.)