

02.07.2025
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MAT 792 of 2025

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IA No.CAN 2 of 2025 [Stay]
State of West Bengal & ors.
- *Versus* -
Bidula Bhattacharjee & anr.

With

MAT 857 of 2025

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IA No.CAN 2 of 2025 [Stay]
State of West Bengal & ors.
- *Versus* -
Kingshuk Dey & anr.

With

MAT 858 of 2025

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IA No.CAN 2 of 2025 [Stay]
State of West Bengal & ors.
- *Versus* -
Sudeshna Roy & anr.

Mr. Sirnanya Bandyopadhyay,
Mr. Ritesh Kumar Ganguly,
Mr. Debopriyo Karan
... for the Appellants/State
(in all the appeals).

Mr. Sagar Bandyopadhyay,
Mr. Siddhartha Banerjee,
Mr. Debdatta Saha,
Mr. Shounak Mondal
... for the Respondent no.1/Writ petitioner
(in MAT 792 of 2025).

Mr. Abhratosh Majunder,
Ms. Soma Kar Ghosh,
Mr. Arabinda Pathak,
Ms. Suparna Paul,
Ms. Shilpi Ghosh
... for the Respondent no.1/Writ petitioner
(in MAT 857 & 858 of 2025).

Mr. Soumya Majumder,
Mr. Neil Basu,
Mr. Sankha Biswas
... for the Respondent no.2
(in all the appeals).

Mr. Kallol Basu,
Mr. Samik Sarkar
... for the Intervenors.

All the above appeals, preferred by the State and its functionaries, arise out of the order dated 3rd April, 2025 passed by the learned single Judge and as such the same are taken up for analogous hearing.

Mr. Bandyopadhyay, learned senior standing counsel appearing for the appellants in all the three appeals argues that neither there had been infringement of any legal right of the writ petitioners nor had there been any non-discharge of statutory obligations on the part of the State respondents and that as such, the learned Judge erred in law in entertaining the writ petitions.

He further submits that prior to issuance of the impugned order on 3rd April, 2025, an order was passed on 20th March, 2025 directing the learned advocate appearing on behalf of the State to produce written instruction disclosing the steps taken in response to the complaints lodged by the writ petitioners. Pursuant to the said order, a written instruction contained in a memo dated 2nd April, 2025 was furnished stating categorically that the grievances were against a private body. The respondent no.2 herein is a trade union and not a wing or directorate of the State Government. Without considering the same, the learned Court erroneously granted liberty to the writ petitioners to

submit comprehensive representations with an observation that the Secretary, Department of Information and Cultural Affairs, Government of West Bengal shall consider the same and pass a reasoned order.

He contends that the State authorities have no role to play in a dispute between two private organizations and the order impugned would have a snowballing effect and would give rise to multifarious proceedings.

Drawing our attention to the prayers made in the writ petitions, he submits that no mandamus could have been sought for against the State authorities for constitution of any independent committee for purported resolution of a private dispute amongst the writ petitioners and the private respondents.

He argues that no cause of action was made out against the State/respondents and the writ petitions are an instance of mere ploy to intertwine the State/respondents into a civil dispute between two trade unions.

Mr. Sagar Bandyopadhyay, learned senior advocate appearing for the writ petitioner/appellant no.1 in MAT 792 of 2025 argues that the pleadings in the writ petition would clearly reveal that the respondent no.2 is interfering with the profession of

the writ petitioner and is preventing her from performing her work and as a consequence thereof, her fundamental rights enshrined under Article 19(1)(g) of the Constitution of India had been violated.

He further submits that to resolve the impasse that crippled studios in Tollygunge, the State authorities intervened and thereafter, a review committee was constituted comprising of five members including the Minister-of-State, Department of Information and Cultural Affairs. In the said conspectus, the learned single Judge rightly intervened granting liberty to the writ petitioner to submit a representation for consideration of the Secretary, Department of Information and Cultural Affairs.

Mr. Abhratosh Majumder, learned senior advocate appearing for the writ petitioners/respondent no.1 in both the appeals being, MAT 857 and MAT 858 of 2025 submits that the grievance of the writ petitioners was that their legal and fundamental rights had been infringed and detailing such facts, representations were submitted to the competent authority, being the Secretary of the concerned department. A perusal of the contents of the written instruction would reveal that the competent authority was, *inter alia*, of the opinion that as such representations did not disclose all the

details which have hampered or obstructed the writ petitioner, appropriate steps could not be taken. In view thereof, the learned single Judge rightly granted leave to the writ petitioners to submit further representations so that the same may be considered by the competent authority, the Secretary, Department of Information and Cultural Affairs upon granting an opportunity of hearing to all the necessary parties.

Drawing our attention to the documents annexed to the stay application, Mr. Majumder submits that the West Bengal Film Academy which functions under the Information and Cultural Affairs Department of the State of West Bengal is a body created '*To act as an umbrella body/think for all issues related to the film industry*' and '*To advise on suitable policy interventions on issues related to the film sector, including constraints faced by the producers, Distributors, Exhibitors and others*' and in view thereof, the argument of Mr. Sirnanya Bandyopadhyay that State has no role to play in the controversy, is not acceptable.

Mr. Soumya Manumder, learned advocate appearing for the respondent no.2 in all the appeals submits that the existence of a right and infringement thereto are foundations of the exercise of the jurisdiction under Article 226 of the

Constitution of India. The pleadings would reveal that two private parties are locked in a confrontational controversy and in such a private dispute the State had been illegally drawn in.

Mr. Basu, learned advocate appearing for the President and Secretary of the Cine and Video Assistant Directors' and Guild of Eastern India, Secretary of the Eastern India Cinematographers' Association, President of the Cine Production Managers' Association and the President and Secretary of the Cine Art Directors' Guild submits that the order impugned dated 3rd April, 2025 was obtained by the writ petitioners behind the back of the said Associations and for alleged violation of the said order, contempt applications have also been preferred in which the functionaries of the Associations have been impleaded and directions have been sought for against them. A private dispute ought not to have relegated for consideration to the State authorities.

Though we have allowed Mr. Basu to intervene in the matters, however, we are of the opinion that in the event the directions contained in the impugned order prejudice the said Associations, appropriate remedies are available to them.

In reply, Mr. Sirnanya Bandyopadhyay submits that the West Bengal Film Academy, according to the

writ petitioners themselves had no role to play since they consciously chose not to address any representation to any functionary of the West Bengal Film Academy.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the order impugned the learned single Judge upon considering the arguments advanced by the respective parties and the contents of the written instruction furnished by the State/respondents wherein it was stated that the grievances have not been properly indicated in the earlier representations, the learned Court granted leave to the writ petitioners to file comprehensive representations highlighting the grievances before the Secretary, Department of Information and Cultural Affairs, Government of West Bengal. It was also observed that in the event such representations are filed, the same shall be considered by the Secretary, in accordance with law and after giving a reasonable opportunity of hearing to all the necessary parties. While passing such direction the learned single Judge also took into consideration the fact that the State and its functionaries have actively participated to resolve the dispute.

By the order impugned the learned Court had merely directed the Secretary, Department of Information and Cultural Affairs, Government of West Bengal to consider the representations of the writ petitioners and to intimate the learned Court the fate of the said representations on the adjourned date. The learned Court is yet to decide the writ petitions finally. In the said conspectus, we deem it fit not to interfere with the order passed by the learned single Judge, moreso when the direction to consider the representations has no attribute or characteristic of finality and it is not a case that the learned Court has decided the controversy amongst the writ petitioners and the respondent no.2 finally.

In view thereof, no interference is called for in the present appeals. However, the parties would be at liberty to urge the point of maintainability before the learned single Judge.

With the above observations and directions, the appeals and the applications are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)