Vacation Bench
November 4, 2026
Sl. No.3
Court No.08
s.biswas

MAT 1873 of 2026
with
CAN 1 of 2026

Samit Das and others
vs.
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Mr. Dinesh Pani
Ms. Moumita Pandit
Ms. Olivia Dutta
Mr. Siddhartha Roy
... for the appellants

Mr. D. N. Ray, GP
Mr. Sankar Prasad Dalapati, AGP
Ms. Sudipa Banerjee
Ms. Sulogna Chowdhury
Mr. Vinayak Chaubey
... for the State

Mr. Prabir Kumar Mitra, Sr. Adv.
Ms. Subhanwita Ghosh
... for the respondent no.7

Mr. Shatarup Purkayastha
... for the proposed intervenor/Aleya Club

1. Mr. Purkayastha, learned counsel appearing for the proposed intervenor, submits that the intervenor sought permission to organize a Kali Puja on the subject land. However, since the said contention has nothing to do with the subject matter of the present appeal, to be discussed presently, we refuse such oral prayer of intervention.
2. The reports filed by the District Magistrate, Purba Medinipur and the Superintendent of Police, Purba Medinipur, filed today as per direction of the Court, be kept on record.
3. The ambit of the present appeal is limited.

4. The writ petitioner/appellant sought permission to organize a football tournament on the playground of the respondent-school which was not granted, prompting the writ petitioners/appellants to take out the writ petition.
5. The learned Single Judge, by the impugned order, dismissed the writ petition on the ground that a Public Interest Litigation (PIL) is pending in respect of the same subject matter.
6. Learned counsel appearing for the appellants argues that in terms of the previous orders passed by co-ordinate Benches of this Court, the playground in question cannot be used for any other purposes other than for education or for sport. As such, it is submitted that the grant of permission by the school authorities to third parties for holding fair/'mela' is unlawful.
7. Learned counsel appearing for the respondent no.7/Teacher-in-Charge of the concerned school contends that there have been several orders passed by different co-ordinate Benches, including an order whereby the school was directed to permit only organization of Kali Puja and social activities on the playground and not to permit any other function and activities unrelated to education thereon.
8. Learned counsel further submits that since a Public Interest Litigation is still pending in respect of the subject land, the learned Single Judge was justified in dismissing the writ petition.

9. Upon hearing learned counsel appearing for the respective parties, we find that the subject matter of the writ petition, which was dismissed by the impugned order, is separate from that of the PIL, although the immovable property in respect of which the said matters are pending is identical.

10. Whereas the bone of contention in the PIL is whether the school authorities are entitled to permit the conduct of any function other than education or sport activities, the subject matter of the writ petition is whether the school authorities were justified in not granting permission to the writ petitioners/appellants to organize a football tournament, which is a sporting activity.

11. From the orders passed in the PIL, which have been annexed to the interlocutory application filed before us, we do not find any challenge being raised by any party within the conspectus of the said PIL as to the school authority not being entitled to permit sporting activities on the subject ground. As such, the respective subject matters of the PIL and the present writ petition are readily dissociable.

12. Hence, the learned Single Judge erred in law in dismissing the writ petition at the threshold by citing the pendency of the PIL.

13. While observing so, we make it abundantly clear that we have not touched upon the contentions raised by the respective parties in the PIL in respect of whether

the playground in question can be permitted for being used for any activities other than those related to education and/or sport.

14. In view of the above, MAT 1873 of 2026 is allowed on contest without costs, thereby setting aside the impugned order dated October 23, 2026 passed in WPA 29247 2026 and requesting the Writ Court to take up the writ petition for adjudication afresh on merits upon granting opportunity to both the parties to exchange affidavits.

15. We reiterate that all questions raised in the pending PIL have been left open for being contested therein and we have not touched upon the contentions raised therein in any manner whatsoever.

16. CAN 1 of 2026 is consequentially disposed of as well. Any interim orders passed in connection with the present appeal stand vacated, with liberty to the parties to approach the appropriate forum for self-same reliefs, if otherwise entitled to in law.

17. Urgent Photostat certified copies of this judgment, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Arjun Ray Mukherjee, J.)