
(2018) 05 CAL CK 0117
In the Calcutta High Court
Case No : Writ Petition5191 (W) of 2018

Milan Bhowmik

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 03-05-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 05 CAL CK 0117

Hon'ble Judges : TAPABRATA CHAKRABORTY, J

Bench : Single Bench

Advocate : Suddhasatta Banerjee, Saunak Sengupta, S. K. Poddar, Kishore Datta, T. M. Siddiqui, Nilotpal Chatterjee

Final Decision : Dismissed

Judgement

Mr. Banerjee, the learned advocate appearing for the petitioner submits that the petitioner is the producer and director of a feature film by the name

â??DANGA, the Riotâ?. By an order dated 30th August, 2017 the Film Certification Appellate Tribunal granted certification of the movie and

directed issuance of â??UAâ?? certification. For the purpose of publicity of the movie the petitioner had spent an amount of about Rs.8 lakh.

The date of release of the said film was scheduled on 27th April, 2018 and just a day prior thereto, one of the distributors of the said film in North

Bengal informed the petitioner that unknown higher authorities had directed the hall owners not to screen the movie in 30 halls in North Bengal.

The President of Eastern India Motion Pictures Association also intimated the petitioner over telephone that the police authorities have taken down all

posters and other publicity materials in different halls in Krishnanagar and Barrackpore. In support of such contention reliance has been placed upon

translated transcription of telephonic conversation annexed to the writ petition.

According to Mr. Banerjee, the police authorities are threatening the hall owners from screening the said film. A complaint to that effect was lodged

by the petitioner before the Secretary, Department of Home Affairs, Government of West Bengal on 28th April, 2018 but the same has not been

considered and aggrieved thereby, the petitioner has approached this Court. Having regard to the threat perception, the petitioner is entitled to

appropriate protection as prayed for.

Per contra, Mr. Datta, the learned Advocate General, assisted by Mr. Siddiqui and Mr. Chatterjee, appearing for the State respondents submits that

the writ petition involves disputed question of facts and that on such ground itself the same is liable to be dismissed. A person cannot approach the

High Court for the purpose of determining such disputed questions of fact which is beyond the scope and purport of the jurisdiction of the High Court.

He further submits that the existence of a right and infringement thereto are the foundations of the exercise of jurisdiction under Article 226 and in the

instant case no legal right of the petitioner stands infringed warranting interference of this Court.

A writ for ""police protection"" so-called, has only a limited scope. It has been alleged in the writ petition that different hall owners over telephone had

intimated the petitioner that the police authorities are preventing the said hall owners from screening the said film. No complaint to that effect has been

lodged by any of the hall owners and there is no justification in the petitioner's perception of threat.

For the reasons discussed above, this Court is reluctant to exercise any discretion in favour of the petitioner. Accordingly, the writ petition is

dismissed. There shall, however, be no order as to costs. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates

for the parties upon compliance of all necessary formalities.