
(2019) 12 CAL CK 0041

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 22892 (W) Of 2019

Ratan Kumar Chatterjee

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 11-12-2019

Acts Referred:

Citation : (2019) 12 CAL CK 0041

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Pratik Dhar, Arpa Chakraborty, Samir Halder, Amitesh Banerjee, Tarak Karan, Sandip Kumar Bhattacharya, Suman Basu, Debanwita Pramanik

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

This writ petition was moved as urgent on 9th December, 2019. Relevant record in order made that day is reproduced below:-

"Petitioner applied and obtained permission on 13th June, 2019 to hold a program/function. The permission was granted by Chandanagore Municipal Corporation. On getting this permission, petitioner applied and got all other required permissions. The Corporation by notice dated 23rd October, 2019 told petitioner he had put up 'Phalak' at entrance of the venue. They sought reply from petitioner. Petitioner by letter dated 5th November, 2019 argued, he had not put up the 'Phalak'. The Corporation not being satisfied with the reply, by letter dated 5th December, 2019 revoked permission.

Mr. Dhar, learned senior advocate appearing on behalf of petitioner submits, his client did not put up the 'Phalak'. All arrangements have been made, service of artists have been requisitioned, invites sent out. There should be interference. Mr. Basu, learned advocate appears on behalf of the Corporation and submits, he is yet to get instruction.

Court is in possession of clear submission made on behalf of petitioner that he did not put up the 'Phalak'. Since petitioner may not have expressed his position clearly in his letter dated 5th November, 2019, petitioner is directed to file affidavit with the Corporation by tomorrow stating on oath regarding his involvement or lack of it on the 'Phalak' having been put up, since removed by the Corporation. The Corporation will consider statements in the affidavit and if the statements are clearly made, reconsider on their decision of revocation."

This morning parties appeared and Mr. Dhar pressed for orders on submission, his client had duly submitted affidavit before the Authority saying in clear terms, he did not put up the 'Phalak'. Mr. Basu, submitted, petitioner had been notified last evening to attend hearing fixed at 2 P.M. today. Petitioner being in Court was directed to forthwith proceed and present himself for hearing.

Mr. Dhar submits, petitioner presented himself for hearing. Mr. Bhattacharya, learned advocate appearing on behalf of the Corporation submits, upon hearing petitioner his client is not satisfied as three complainants complained to the Corporation that petitioner himself put up the 'Phalak'. Mr. Dhar responds by drawing attention to the permission dated 13th June, 2019, only clause 13 reserves to the Corporation, right to revoke the permission on urgent requirement. The reason given for revocation and the revocation reiterated is not for any urgent purpose.

Court has perused notice dated 23rd October, 2019 seeking explanation on putting up the 'Phalak'. The notice does not mention any complain received by the Corporation. Petitioner has filed affidavit before the Authority saying he did not put up the 'Phalak'. Mr. Dhar's submission is accepted that the reason for revocation does not have basis on urgent requirement.

Interference is warranted. The permission receives sanction from Court and no effect is to be given to the revocation or any reiteration thereof.

This writ petition is disposed of.