Court No. 8
26.09.2025

Item No. 8
PA (Chamber)

WPA (P) No. 411 of 2025

Sayan Kansabanik
Vs.
The State Of West Bengal & Ors.

Mr. Shoumendu Mukherji,
Mr. Nikunj Berlia,
Ms. Megha Sharma,
Mr. Aniruddha Ghosh,
Ms. Urvashi Jain,
Ms. Arfa Jabeen, ... for the Petitioner.

Mr. Abhratosh Majumdar, Sr. Adv.
Mr. Soham Sanyal, ... for the Respondent no. 5.

Mr. Kishore Datta, Ld AG
Mr. Swapan Banerjee,
Ms. Sumita Shaw,
Mr. Soumen Chartterjee,
..... for the State.

1. This PIL is filed by petitioner claiming himself to be a social worker and youth activist. It is averred that he is a hospitality management graduate and worked in hospitality industry for 15 years. At present, he is a management college faculty and avid movie goer.
2. The grievance put forth is that the film “Bengal Files” is exhibited in cinema theatres across the nation but in State of West Bengal no theatre has chosen to exhibit the said film. On the basis of media reports, it is submitted that there exists an unofficial direction by the authorities of State because of which no theatre could show the said film.

3. This Court on September 23, 2025 directed the State counsel to obtain instructions. Learned Advocate General raised the question of maintainability on the strength of a Division Bench judgment of this Court in ***Anindya Sundar Das vs. State of West Bengal & Ors.*** reported in ***2022 SCC OnLine Cal 4180*** and urged that there is no element of public interest involved in this matter. If at all, there may be grievance to director, producer and distributor. The said persons are "well off" and can approach the court of competent jurisdiction. On the lighter side, he submits that public interest litigation (PIL) is not a PILL for all diseases.

4. It is common stand taken by the learned Advocate General and respondent no. 5 that aggrieved persons are the producers, directors, distributors, makers and other persons who are involved in the making of the film. The PIL at the behest of the present petitioner cannot be entertained. However, learned Advocate General clearly stated that State has not imposed any ban or prohibition directly or indirectly for screening of the said film.

5. The learned counsel for the petitioner placed reliance on the following judgments :

   S. Rangarajan vs. P. Jagjivan Ram & Ors. (1989) 2 SCC 574

Prakash Jha Producltions & Anr. vs. Union of India & Ors. (2011) 8 SCC 372

Viacom 18 Media Pvt. Ltd. & Ors. vs. Union of India & Ors. (2018) 1 SCC 761

Indibily Creative Private Ltd. and Ors. vs. Government of West Bengal & Ors. (2020) 12 SCC 436

Sunshine Pictures Pvt. Ltd. & Anr. vs. Union of India & Ors. (2023) SCC OnLIne SC 678.

6. Faced with this learned Advocate General and Counsel for respondent no. 5 urged that all these judgments were delivered when an aggrieved party who is involved in the production or exhibition of film approached the Court. Thus, PIL is not entertainable.

7. We have heard the parties on this aspect. This Court in ***Anindya Sundar Das (supra)*** opined as under:

> *"7. Having regard to the nature of issue which has been raised by the petitioner, we are of the opinion that a PIL on such an issue at the instance of an advocate practicing in this Court having no connection with the issue cannot be entertained especially when the affected persons are adequately **well off** to raise their personal cause in the appropriate judicial proceedings. So far as reliance of learned counsel for the petitioner in the matters of Ahmedabad Urban Development Authority (supra), Federation of Indian Mineral Industries (supra) and Asian Leather Limited (supra) is concerned, these judgments relate to the issue of a levy without authority of law which is an issue on merit which can be raised by the effected parties in appropriate maintainable proceedings. Even if the rule of locus is relaxed in a PIL, yet the issue which is involved in the present petition cannot be permitted to be raised at the instance of a person totally unconnected with the issue and unaffected by the notification. Hence, the benefit of the order of this Court dated 28th of September, 2021 passed in WPA (P) 213 of 2021 in the case of Ambika*

Roy v. The Hon'ble Speaker, West Bengal Legislative Assembly cannot be extended to the petitioner. Learned counsel for the petitioner has also placed reliance upon the judgment of the Hon'ble Supreme Court in the matter of State of Uttaranchal v. Balwant Singh Chaufal reported in (2010) 3 SCC 402 but in that judgment also, it has been held that the Court should prima facie verify the credential of the petitioner before entertaining a PIL and that the Court should be fully satisfied that substantial public interest is involved before entertaining the petition and the Court should, before entertaining the PIL, also ensure that the PIL is aimed at redressal of genuine public harm or public injury. The above test is not satisfied in the present case."

(Emphasis Supplied)

8. We find substantial force in the argument of learned Advocate General and counsel for respondent no. 5 that aggrieved persons are well off and can very well approach the court if they are aggrieved. Thus, this PIL cannot be entertained. So far judgments cited by the petitioner are concerned, admittedly said cases were filed at the behest of the petitioners who are involved with the making or exhibition of the film. Thus, on the point of entertainability, we are inclined to hold that PIL at the behest of present petitioner cannot be entertained. However, this order will not come in the way of persons aggrieved to approach the appropriate forum for redressal of grievance (if any). PIL is **dismissed** as not entertainable.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)