

12.10.2026
Court No. 12
Items 1 & 2.
Cp

MAT/1778/2026
IA NO: CAN/1/2026

BHARATIYA RAIL P. SHRAMIK UNION (E. RLY)
AND ANR

VS

UNION OF INDIA AND ORS.

With

MAT/1781/2026
IA NO: CAN/1/2026

BHARATIYA RAIL P. SHRAMIK UNION (E. RLY)
AND ANR

VS

SEALDAH RAILWAY ATHLETIC CLUB AND ORS

Mr. Sarajit Sen
Mr. Sasanka Kr. Mandal
Mr. Balai Kumar Samfui
Mr. A. Lahiri
Ms. Shrilekha Mandal

..... for the Appellants.

Mr. D. N. Roy
Ms. Susmita Saha Dutta
Mr. Guddu Singh

... for the State.

Mr. Dwijadas Chakraborty

... for the Union of India.

Mr. Firdous Shamim
Ms. Gopa Biswas
Mr. I. Islam
Ms. B. Dutta
Ms. Salini Bhattacharjee

.....for the respondent nos. 2 & 3
In MAT 1781 of 2026.

1. As similar issues are involved, both the appeals
are taken up together for hearing.

2. The appeal being MAT 1778 of 2026, has been filed by an Employees Union of the Eastern Railway (Sealdah Division). They were the writ petitioners in WPA 27755 of 2026. They are aggrieved by the orders of the learned Single Judge dated October 6, 2026. By the order impugned, the learned Single Judge directed the respondents to allow the writ petitioners in WPA 28862 of 2026, i.e. the Sealdah Railway Athletic Club to hold the Durga Puja on the ground belonging to the Railway authority.
3. The appellants contend that the order of His Lordship is erroneous as His Lordship did not take into consideration the fact that the appellants had been allowed to perform 'Khuti Puja' in connection with the 2026 Durga Puja, on the same ground along with the writ petitioners in WPA 28862 of 2026.
4. It is further contended that, cancellation of the permission that was granted in favour of the appellants, was without any reasons and the same cannot be sustained in law.
5. Mr. Shamim, learned advocate for the respondent nos. 2 and 3 in MAT 1781 of 2026 intervenes and submits that the said Athletic Club had been performing the Durga Puja since long. The question of cancellation of the Puja to be organized

by the said Athletic Club, did not arise. The permission granted to the appellants had already been set aside by the authority itself.

6. Learned advocate for the Railways submits that, on the date of the 'Khuti Puja', there was a dispute between the two factions and as such, in order to control the situation, the order of cancellation of the permission was passed for administrative reasons.
7. We are not in agreement with His Lordship for the following reasons:-
 - a) Permission was granted by the authorities in favour of the appellants to perform the 'Khuti Puja' on the same ground. The Khuti Puja marks the beginning of Durga Puja.
 - b) The writ petitioners in WPA 28862 of 2026 were also granted permission, but not in exclusion of the appellants.
 - c) The appellants had deposited the requisite fees for such permission.
 - d) The permission of the appellants was withdrawn, by citing administrative reasons, but without granting them any opportunity of hearing and without recording what transpired on the date of the 'Khuti Puja', which led the authority to take such decision. Moreover, the reason why only the permission to the

appellant had been withdrawn, does not find any mention in the order.

8. The order impugned is set aside for the above reasons.

9. We direct as follows: -

a) Subject to compliance of all other formalities by the appellants, the appellants will be permitted to hold the Durga Puja on the same ground in a demarcated area.

b) The appellants will, however, not claim equal share of the ground, as the pandal has already been constructed by the writ petitioners in WPA 28862 of 2026.

c) It is made clear that the authority shall demarcate the portion in which the appellants can perform the Puja. Such demarcation shall be made within 24 hours, on the basis of the communications received from the learned advocates for both the parties.

d) Both the parties shall maintain peace and tranquillity and respect each others' sentiments. Puja is not the private affair of the organizers, but it is for the citizens.

e) The police authority will keep a vigil and give necessary assistance, if so required by the Railway authorities.

- f) All the parties shall be present at the time of demarcation and they shall cooperate with the Railway authorities, without raising any further objections and without approaching the court for unnecessary intervention, on frivolous grounds.
- g) The learned advocates on record for the respective writ petitions shall act as observers, to ensure smooth conduct of the Puja.
10. We make it clear that, Puja is for the public and the organizers only execute the same. They do not have any independent or vested right apart from those emanating from the procedural compliances.
11. Accordingly, MAT 1778 of 2026 along with the connected application are disposed of.
12. Accordingly, MAT 1781 of 2026 along with connected application are also disposed of.
13. The above directions are restricted to the 2026 Durga Puja only, and the same will not create any equity in favour of any of the parties.
14. Parties are directed to act on the basis of the server copy of this order and also on the learned advocates' communications.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)