

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 25916 of 2023

With

CAN 1 of 2024, CAN 2 of 2024

Gautam Ray

Vs.

State of West Bengal & Ors.

For the petitioner	:	Mr. Kaustav Bagchi Mr. Subhadip Paramanik Mr. Rameshwar Sinha Mr. Debayan Ghosh Ms. Priti Kar Ms. Anindita Roy Ms. Khushi ShawAdvocates
For the State	:	Mr. K. J. Yusuf Mr. Md. Ahsanuzzaman Mr. Parikshit GoswsamiAdvocates
For the intervener	:	Ms. Sulekha Mitra Mr. M. K. DasAdvocates
Heard on	:	06.11.2024	
Judgment on	:	06.11.2024	

JAY SENGUPTA, J:

This is an application, inter alia, praying for direction upon the respondent authorities to provide necessary protection for organizing Jagadhatri Puja from 19.11.2023 to 23.11.2023 in Sarkar Para Durga Mandir by the petitioner's society.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is taken on record. Copy of the same is supplied to the learned counsel for the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners have been regularly organizing Jagadhatri Puja at the said Sarkar Para Durga Mandir for the last eleven years. As would be evident from the Annexures to the writ petition and to the application, they had obtained permission last year. Even last year the police had not granted permission, which prompted the petitioner to approach this Court. As the State did not object to their holding Puja, no formal order was passed and the Jagadhatri Puja was held peacefully. Some local individuals actuated by the political aspirations want to thwart the efforts of the petitioner merely because some leaders associated with the opposition political party of the State might attend the said Puja. Even for this year permissions have been obtained from the Fire Department, the Electricity authorities and the Municipality.

Learned counsel appearing on behalf of the State denies the allegations and submits that there is a tussle between two groups over

conducting the Puja at the Sarkar Para Durga Mandir. There is no political angle in this. However, he submits that Jagadhatri Puja is being held there by the petitioners for the last four years.

Learned counsel tries to intervene on behalf of the purported Sarkar Para Sarbajonin Durga Puja Committee and oppose the prayer. But, as the said committee was only an unregistered society, the Vakalatnama executed by an individual as a post-holder of such committee was not filed.

The main issue indicated by the State in the Report is that the petitioner did not intimate the said Sarkar Para Sarbajonin Durga Mandir about holding of Jagadhatri Puja this year. Enquiry purportedly revealed that Sarkar Para Sarbajonin Durga Mandir comprising of inhabitants of Sarkar Para had taken a resolution that if any Puja was to be held at the said Durga Mandir then they should be intimated about the same by the particular puja committee. The Report also mentions about tension prevailing in the area over the issue.

However, it appears from the Annexures to the writ petition and the application and the Report filed by the State that the petitioner had conducted Jagadhatri Puja last year at the said Sarkar Para Durga Mandir. They obtained necessary permissions from the other authorities, except from the police. Even this year they have obtained such permissions.

As the petitioner had been holding the said Jagadhatri Puja at the said venue admittedly for sometime and they have obtained all other

necessary permissions for this year, there should not be any impediment upon them to hold the said Jagadhatri Puja this year.

In view of the above, let the local police make all necessary arrangements in and around the venue for the petitioner to celebrate and holding Jagadhatri Puja at the said venue.

The Officer-in-Charge of the local Police Station shall ensure that no breach of peace takes place and would deploy adequate number of police personnel for such purpose. That apart, the police shall send regular patrols to the venue during the Puja days.

The petitioner shall hold the Puja this year at the said venue by following all the required norms and applicable provisions of law.

No further order need be passed in this regard.

With these observations, the writ petition and the connected applications are accordingly disposed of.

As affidavits were called for, the allegations made in the writ petition are deemed not to have been admitted.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J)