

21.09.2020

Court No. 05
Item No. 30
S. D.

**In the High Court at Calcutta
Civil appellate jurisdiction
(Via Video Conference)**

WPA 7132 of 2020
With
IA No : CAN 1 of 2020

CIT Road Barowari and ors.
Vs.
The State of West Bengal and ors.

Mr. Pramit Kumar Ray, Sr. adv.
Mr. Shaunak Ghosh
Mr. Rajib Mullickfor the petitioners.

Mr. Alok Ghosh
Mr. Dwijadas Chakraborty
.....for the K.M.C.

Mr. Amitesh Banerjee, Sr. Adv.
Ms. Ipsita Banerjee
...for the State.

Mr. Mihir Kundu
...for the CESC.

Mr. Tirthankar Das
Ms. Sushmita Ghosh
...for the Bijoyee Sangha.

This Court is satisfied with the urgency pleaded in the application being CAN 1 of 2020 and the same is allowed. The writ petition is taken up for immediate consideration.

As prayed for, leave is granted to the writ petitioners to file a supplementary affidavit. Let the supplementary affidavit, filed in court today, be kept

with the record.

The writ petitioner no. 1 claims to be a non-profitable, non-commercial public charitable trust. The writ petitioner nos. 2 to 8 claims to be the trustees of the said Trust.

The writ petitioners have decided to hold Durga Puja for the first time in the year 2020. They have applied before various authorities for grant of sanction/permission for performing Durga Puja for the year 2020.

The writ petition has been filed alleging inaction on the part of the respondent authorities for not communicating their decision on the representations of the writ petitioners in spite of the fact that several representations have been submitted by them praying for permission for holding Durga Puja this year.

Mr. Roy, learned senior advocate appearing on behalf of the writ petitioners submits that the writ petitioners have submitted a representation dated September 8, 2020 being Annexure 'P-6' to the writ petition which has been addressed to the Officer-in-Charge, Beliaghata Police Station as well as several other respondent authorities.

It is not in dispute that the Officer-in-Charge, Beliaghata Police Station is the authority to accord the permission for performing Durga Puja at the place selected by the writ petitioners for such purpose upon being satisfied that all the preconditions with regard to the performance of the Durga Puja for the year 2020 has been complied with.

I have heard the submissions of the learned advocates appearing for the respective parties and have also considered the materials on record.

Since representations have been submitted praying for permission to perform Durga Puja, the writ petitioners have a right to be communicated with the decision of the concerned authority.

Accordingly, WPA 7932 of 2020 is disposed of by directing the Officer-in-Charge, Beliaghata Police Station to consider and dispose of the representation dated September 8, 2020 by passing a reasoned order. The Officer-in-Charge of the said police station while taking a decision on the prayer of the writ petitioners for holding Durga Puja shall have the option of considering the views of the other authorities whose permission and/or sanction is deemed necessary by the

Officer-in-Charge of the said police station for such purpose. The Officer-in-Charge of the said police station shall afford an opportunity of hearing to the writ petitioners as well as any other interested parties whom the said Officer feels necessary for arriving at a decision with regard to the issue regarding permission in favour of the writ petitioners for holding Durga Puja. The Officer-in-Charge of the Beliaghata Police Station shall also communicate the reasoned order to the writ petitioners and the other interested parties. The Officer-in-Charge of the Beliaghata Police Station shall have to complete the entire exercise including the communication of the reasoned order by September 30, 2020.

I, however, make it clear that I have not gone into the merits of the claim of the writ petitioners for holding the Durga Puja for the year 2020 and the Officer-in-Charge of the said police station shall be free to take a decision with regard to the prayer for holding Durga Puja upon considering the guidelines or any regulations framed in this regard for this year as well as of any preceding years which may also be operative for this year. The said authority shall also take into consideration any judgements relied upon by the parties while disposing of the aforesaid representation dated September 8, 2020.

Since no affidavits have been called for, the allegations contained in the writ petition shall not be deemed to have been admitted by the respondents.

WPA 7132 of 2020 is, thus, disposed; of without any order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Hiranmay Bhattacharyya, J.)