

S/L 7
19.10.2020
Ct. No. 19
GB

W.P.A 8185 of 2020

New Town Kolkata C Block Citizen Cultural Association
Vs.
State of West Bengal & Ors.
(Through Video Conference)

*Mr. Achut Basu,
Ms. Punam Basu,
Ms. Sonam Basu,
Mr. Srikumar Chakraborty.*

...for the Petitioner.

*Mr. Millwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee.*

...for Respondent Nos.2 to 4.

*Mr. Samim Ahmmed,
Mr. Arka Maiti,
Ms. Saloni Bhattacharya.*

...for Respondent Nos. 7 & 8.

*Mr. Samrat Sen,
Mr. Srijob Chakraborty.*

...for the State.

This writ petition has been filed by the New Town Kolkata C Block Citizen Cultural Association, seeking permission to perform Durga Puja. It is further submitted by the petitioner that although permission was granted in 2016, thereafter the respondent nos. 7 and 8 started performing Durga Puja in the location originally allotted to the petitioner.

It is submitted on behalf of the New Town Kolkata Development Authority that it is an admitted position that the respondent nos. 7 and 8 have already started construction of the pandal and are holding their own Puja in

the same locality where the petitioner seeks to hold their Puja.

It is submitted by Mr. Ahmmmed, learned advocate appearing for the respondent nos. 7 and 8 that the petitioner No.1 association does not exist since 2018 and the petitioners do not have any locus standi to file this writ petition.

After hearing the learned advocate for the respective parties, I find that as disputed questions of facts are involved which cannot be decided by this Court without affidavits. Keeping this matter pending before this Court will render the writ petition as infructuous. Thus, without going into the merits of the claims and counter-claims of the parties and without deciding the locus standi of the petitioner, this writ petition is disposed of with a direction upon the Chief Executive Officer, New Town Kolkata Development Authority to dispose of the representation of the Secretary of the Association dated September 21, 2020 in accordance with law.

It is also made clear that this order will not be construed as a decision or recognition of the existence of the petitioner No.1 association or the existence of the petitioner no.2 as the member of such association. If the authority finds that the association is defunct or does not exist, the authority will decide accordingly. It is further made clear that if the authority finds that the association has not been holding Puja since 2017 and is not entitled to any order under the

rules or the circulars prevalent in the field, the authority shall decide the same and communicate the order to all the concerned parties. It is also made clear that while disposing of the said application/representation the Chief Executive Office of New Town Kolkata Development Authority shall hear the Secretary of the association, the representative of the respondent nos. 7 and 8 and any other authority who deserve to be heard before a final decision of the matter. The decision should be taken within October 21, 2020 and communicated to the parties on the same date. The parties are directed to act on the server copy of this order.

Accordingly, WPA 8185 of 2020 is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)