

22.09.2021
Item No. 24
Crt.No.11
b.r.

MAT 902 of 2021
with
IA No. CAN 1 of 2021

***Kansari Para Sarbojanin Sarodotshab
Committee & Anr.***

-vs-

The West State Bengal & Ors.

(Via video conference)

**Mr. Subhasish Panchal
Mr. Zariful Islam
Mr. Ramasish Mukherjee
..... for the appellants.**

**Mr. Amitesh Banerjee, Sr. Standing Counsel.
Ms. Ipsita Banerjee
..... for the State.**

**Mr. Alok Kumar Ghose
Mr. Subhrangshu Panda
.... For the Kolkata Municipal Corporation.**

**Mr. Somnath Bose
..... for the Respondent no.8.**

**Mr. Rajesh Upadhyay
Mr. Debnath Ghosh
Mr. Chayan Gupta
Mr. Subrata Biswas
..... for the Respondent no.11.**

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

The appellants submit that by the order of 20th
July, 2021 the appellants, who are the private
respondents before the Hon'ble Single Bench, were
directed to take permission from every concerned person
prior to holding Durga Puja on the plot in issue.

Mr. Panchal, learned Counsel appearing for the appellants, submits that the Durga Puja is being held for the past several years as also in the previous year.

The writ petitioners/the private respondents however submit that the Durga Puja for the year 2019 was only allowed to be held under order of the Hon'ble Court strictly on condition that right, title, interest and equity shall not be claimed by the appellants over the plot/site in issue.

Mr. Panchal submits that a suit for declaration of title has been already filed by the writ petitioners/private respondents which is pending before the learned Civil Court. Therefore, the title of the writ petitioners to the suit premises is yet to be resolved in the adjudication.

This Court is not in a position to go into the question of title at this stage.

However, at this stage, this Court is of the view that the appellants, who are the defendants in the suit, be entitled to move the learned Civil Court for appropriate reliefs, if and so advised.

MAT 902 of 2021 along with **CAN 1 of 2021** stand thus **disposed of**.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kesang Doma Bhutia, J.) (Subrata Talukdar, J.)