

29.09.2021

Sl. No. 2

Court No.8

B.M.

WPA 14812 of 2021

**Beltala Pally Pran Sarbojanin Durgo Utsav
Committee, represented by its Secretary,
Biplab Nandi.**

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Rabindra Nath Mahato

Mr. Aritra Shankar Ray ... for the petitioner

Mr. Subhabrata Datta

... for the State

The writ petitioner Beltala Pally Pran Sarbojanin Durgo Utsav Committee, represented by its Secretary, Biplab Nandi, claims that the respondent authorities have acted illegally and arbitrarily in not considering the prayer made on behalf of the petitioner regarding grant of permission and disbursement of the Government grant for conducting Shree Shree Durga Puja inasmuch as the respondent no.4 is nobody now associated with the Association and that he cannot conduct Durga Puja under the banner of the petitioner.

Now it is pertinent to take note of the prayer made by the petitioner for issuance of writ in the nature of Mandamus commanding the respondents to grant permission and to disburse government grant in favour of the petitioner through its present Secretary to conduct Shree Shree Durga Puja in the banner of the petitioner and also the writ in the nature of Prohibition prohibiting

the respondents from granting permission in favour of the respondent no.4 to conduct Shree Shree Durga Puja and further from disbursing any Government grant in favour of the respondent no.4 for conducting said Puja in the name of the petitioner.

Having regard to the orders dated 6.11.2020 passed in Title Suit No.12 of 2020 and the order dated 20.10.2020 passed in appeal being Misc. Appeal No.44 of 2020 .I find *prima facie* that the dispute lies between the two private person fighting for the position as a Secretary of the petitioner. It is not understood from the record as to whether the petitioner being represented by one Biplab Nandy is at all the elected Secretary of the petitioner as there is no document placed in respect thereof. The writ application is absolutely not against any of the State machinery or its instrumentality. If the petitioner is at all aggrieved of the appellate order, he has remedy before the Hon'ble Court in a different jurisdiction. This Court does not want to interfere into the matter as it is a private dispute and if at all the petitioner is Secretary elected obviously the Government authority would entertain his prayer but no such prayer has been made to the appropriate authority for seeking Puja grant.

Therefore, the writ application is not maintainable and WPA 14812 of 2021 is dismissed however without cost.

(Shivakant Prasad, J.)