

10th November,
2021
(AK)
U/L 1

W.P.A 17660 of 2021

Pallab Kumar Das
Vs.
The State of West Bengal and others

Md. Sarwar Jahan
Mr. Maidul Islam Kayal
Mr. Sumanta Das
...For the petitioner

Mr. Amitesh Banerjee
Mr. N. Chatterjee
...For the State.

Mr. Sankar Halder
Mr. Sarthak Burman
...For the respondent nos. 6 & 7.

The grievance of the petitioner is that the petitioner has been holding Jagadhatri Puja traditionally for years. The usual practice has been to carry the idol at the time of immersion on the shoulders of bearers.

However, last year certain restrictions were imposed, compelling the Puja Committees to transport the idols either by “Rasher Gari” or “Trucks”.

It is submitted by learned counsel for the petitioner, as mentioned in paragraph no.5 of the writ petition, that in a meeting held around 5 p.m. on November 7, 2021, the authorities took a decision that similar restrictions would be imposed this year as well.

However, it is submitted that it will be very difficult at a practical level to undertake such immersion on

Trucks and/or 'Rasher Gari', in view of the downward slope of the road approaching the immersion Ghat and the increased height of the idol, if placed on a truck. Moreover, the 'Rasher Gari' is somewhat like a chariot without brakes.

Learned senior counsel appearing for the State contends that the system has been uniformly put in place in presence of the concerned authorities for all the Puja Committees and no deviation ought to be made in respect of any particular Puja Committee.

There is substance in the contention of the State insofar as the requirement of uniformity in Rules and Regulations is concerned. There is no exceptional circumstance, particularly in view of the continuing pandemic threat, to interfere with such decision of the Administration in the present case.

Moreover, it would be inappropriate and unnecessary to interfere with the decision of administrative authorities at the drop of a hat in an application under Article 226 of the Constitution of India, unless some legal or fundamental right of the petitioner has been affected.

As such, I do not find any merit in the writ petition.

Accordingly, WPA 17660 of 2021 is dismissed on contest.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)