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15.03.2021
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 8794 of 2020

Masjide Touhid Samla & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Gazi Faruque Hossain
... For the petitioners.

Mr. N. C. Bihani,
Ms. Papiya Banerjee Bihani
... For the State.

Affidavit of service filed in Court today is
taken on record.

The petitioner no.2 as the Secretary of the Mosque, being petitioner no.1, had applied for obtaining sanction from the local Panchayat for making certain constructions, renovations and repairs at the premises and building of the petitioner no.1. Upon being granted such permission by the local Panchayat, the petitioners applied before the concerned District Magistrate under the provisions of section 5 of the West Bengal Religious Buildings and Places Act, 1985 (hereinafter referred to as the said Act). The petitioners say that despite having received of the petitioners' representation dated 5th September, 2020 on 10th September, 2022, the concerned District Magistrate has not disposed of the petitioners representation so made.

Considering the facts and circumstances,

the District Magistrate, 24 Parganas (North), before whom the petitioners made a representation on 5th September, 2020 is directed to dispose of the same within a period of six months from date, after affording a reasonable opportunity of hearing to the parties and by adhering to the principles of natural justice. The concerned District Magistrate shall immediately but not later than seven days from the date of making an order on the representation shall communicate the same to the petitioners. The concerned District Magistrate shall be free to decide on the issues without being influenced by this order as I have not gone into the merits of the petitioners' representation.

Although the petitioners seek for abridging the time period of six months, but considering the fact that the State Assembly Election is going to commence from 27th March, 2021, the period allowed to the Magistrate concerned for deciding on the petitioners' representation cannot be shortened.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)