

WPA(P) 14 of 2022

Pratik Maitra

Vs.

The State of West Bengal and Others

(Through Video Conference)

Mr. Rajnil Mukherjee, Advocate
... for the petitioner

Mr. Samrat Sen, Id. AAAG
Mr. A. Roy, Id. GP
Mr. Raja Saha,
Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee, Advocates
... for the State

By this public interest petition, the petitioner who is a social worker in the Jhargram District and the District Secretary, All India Federation at Jhargram has made a prayer to stop/ban or postpone the Jangal Mahal Utsav 2022.

The plea of the petitioner is that the Jangal Mahal Utsav (Mela) is going to commence from 17th of January, 2022 in which there will be a huge footfall and that the modus operandi of the District Magistrate is to encourage the people participation in the Mela wherein not only the people from Jhargram will come but people from Bankura and Purulia will also come. A plea has further been raised that there is rapid increase of COVID cases on account of which Kolkata International Film

Festival has been postponed and education institutions have been closed, therefore, it is not the proper time to hold the Mela.

Submission of learned Counsel for the petitioner is that on 12th of January, 2022, the new COVID cases in the State were 22155. The infection rate is 30.86% and that in the Jhargram District lockdown has been imposed, therefore, the Mela should not be held especially when there is no tradition of holding the Mela on a particular date or in reference to particular lunar and solar position.

Learned Counsel for the State has produced the report on behalf of the District Magistrate, Jhargram, respondent No. 6 and has submitted that the Mela is held for last 8 years and instead of holding the Mela at one place, this year it has been decided to hold the Mela separately at six places at Jhargram, Paschim Midnapore, Purulia, Bankura, Birbhum and Paschim Bardhaman. Certain special measures for COVID which will be adopted at the time of Mela have been disclosed in the report.

Having heard the learned Counsel for the parties and on the perusal of the records, we find that there is no past practice of holding the Mela on a particular date of the month or in reference to any particular lunar or solar position. The COVID situation is grave in the State

of West Bengal and the COVID cases are rapidly increasing.

Learned Counsel for the petitioner has placed on record order dated 06.01.2022 passed by the District Magistrate, Jhargram whereby, having regard to the rising COVID cases in Jhargram District, the District Magistrate had ordered that all Government Offices and private offices in Jhargram District will remain closed from 6 A.M. to 10 P.M. on 08.01.2022, 10.01.2022, 12.01.2022 and 14.01.2022 and only for any emergency minimum staff will remain present in the Government Offices on these days. A further direction was issued that all markets, shops and establishments in Jhargram Municipality will remain closed from 6 A.M. to 10 P.M. on 10.01.2022. The order further reflects that the movement of public and private vehicles was not allowed from 6 A.M. to 10 P.M. on 10.01.2022 in Jhargram Municipality area except for health emergency etc. This order clearly reveals the COVID situation in Jhargram District is very serious. Hence, we are of the opinion that if such a situation is existing in the District then it may not be in the public interest to hold the Mela on the given dates from 17th of January, 2022.

Hence, we direct the respondent No. 2, District Magistrate, Jhargram to take a decision in respect of postponement of Mela within a period of 24 hours from

this order. While taking the decision, the respondent No. 2 will duly take into account the COVID situation which was prevailing on 06.01.2022 which compelled him to issue the order referred above and if the situation thereafter has improved or deteriorated.

The petition is, accordingly, disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J)