

7 23.02.2022

gd/ssd

MAT/87/2022
IA NO: CAN/1/2022
KHELAI CHANDI MELA COMMITTEE
REPRESENTED BY ITS PRESIDENT
DWARAKNATH ACHARYA GOSWAMI ALIAS
DWARAKNATH SRINIVASAN AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

Mr. Dibyendu Chatterjee
..for the Appellants.

Mr. Soumitra Bandapadhyay,
Mr. Ramchandra Guchhait
..for the State.

Mr. Soumya Sankar Chini,
Ms. Reshmi Ghosh
..for the Respondent Nos.8 and 9.

The appellants are aggrieved by the order of the learned Single Judge dated 25.01.2022 whereby WPA 1069 of 2022 filed by the appellants has been dismissed.

The writ petition was filed by the appellants seeking a direction to the respondents to permit the appellants to conduct the Khelai Chandi Mata Thakurani Mela over the premises being Plot Nos.4955, 4965, 4920, 4929 Mouza Paschim Bero at the Chandi Mela Ground situated at Paschim Bero, Post Gadi Bero, District Purulia.

Learned Single Judge has taken note of the proceedings which are pending before the WBLRT

Tribunal under the Land Ceiling Act and also considered the Covid-19 Pandemic situation and has rejected the petition.

Subsequent to the order of the learned Single Judge there is improvement in the Covid situation. The record reflects that the appellants' application for grant of permission to hold the Mela dated 29.12.2021 is still pending before the Sub-Divisional Officer/Respondent No.2 and on the said application no decision has been taken till now.

Learned counsel for the State has fairly submitted that there is no objection in taking decision on the appellants' pending application within a time bound period but he has expressed that on account of model code of conduct in respect of the elections in the concerned municipality to be held on 27th of February, 2022 this exercise cannot be done before that.

Having regard to the circumstances of the case and also considering the fact that the pending application at the instance of the appellants is required to be decided by the respondent no.2/Sub-Divisional Officer in accordance with law after taking note of all the relevant circumstances, we deem it proper to dispose of the present appeal directing the respondent no.2 to take an appropriate decision in accordance with law on the application of the appellants dated 29.12.2021 after

giving an opportunity of hearing to the appellants and any other concerned party as expeditiously as possible preferably within a period of fifteen days from the date of receipt of certified copy of this order.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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