

3 **30.06.2022**

gd/ssd

MAT/977/2022
IA NO: CAN/1/2022
DARA NARAYAN SAHAS ROY
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sourav Guha Thakurata,
Mr. Dhiman Ray,
Mr. Dip Chanda
..for the Appellant.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De,
Mr. P.B. Mahato
..for the State.

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu
..for the Respondent Nos.8 to 9.

This appeal is at the instance of the writ petitioner challenging the order of the learned Single Judge dated 24.06.2022 whereby WPA 11397 of 2022 has been disposed of by rejecting the contention of the appellant that the permission for holding the Rath Jatra under the particular Block of Jhargram could not have been granted to other persons.

Having examined the plea taken in the petition, we find that the appellant had approached the writ court with the plea that the petitioner is the sebaite of the Radha Mohan Jew Temple and in the writ petition the reference was made to some order passed in Miscellaneous Case No.8 of 1991 by the Court of 2nd

Sub-Judge, Midnapur as also some relinquishment deed dated 22.11.1990 and on that basis a plea was raised that the appellant is the sole sebaite of the above temple. A perusal of the petition further reveals that for the purpose of Rath Jatra to be held from 01.07.2022 to 09.07.2022 the appellant had written to the competent authority for permission, which was not decided. Hence, the writ petition was filed seeking a direction to the competent authority to decide the petitioner's application/representation.

A perusal of the impugned order passed by the learned Single Judge reveals that in the meanwhile a decision was taken by the competent authority and order was passed for granting permission to the three persons including the appellant for organising Rath Jatra festival for the year 2022. The stand of the appellant is that he alone was entitled to permission. The order granting permission was not the subject matter of challenge before the learned Single Judge but it was produced during the course of the argument. Hence, any observation made by the learned Single Judge in the impugned order in respect of correctness of the said order will not prejudice the rights of the appellant. Since subsequently the decision has been taken, which was not the subject matter of challenge before the learned Single Judge, therefore, we grant the

appellant liberty to challenge the decision of the competent authority granting permission to three persons in appropriate forum in accordance with law.

The appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

