

23.09.2022
Ct. 5
D/L 12
ab

WPA 21746 of 2022

Sarai Purba Para Barowari Puja Committee

-Vs-

The State of West Bengal & Ors.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De,
Ms. Jamuna Saha

... for the petitioner

Mr. T. M. Siddique,
Mr. Nilotpal Chatterjee,
Mr. D. Gomes

... for the State

Mr. Debrup Bhattacharjee,
Mr. Pradipta Banerjee

... for the added respondent

The petitioner seeks to hold the Durga Puja on a land which appears to be the subject matter of an order passed by the learned Civil Judge (Junior Division), 2nd Court, Hooghly in Title Suit no. 447 of 2022. The order dated 28th July, 2022 records that the defendant no.1(i)(petitioner herein) shall be restrained from creating any disturbance in the peaceful possession of the plaintiff over the Scheduled property and also restrained from making any construction illegally over the Scheduled property until 25th August, 2022. The said order was later extended until 10th November, 2022.

The plaintiff before the learned Court below in Title Suit No. 447 of 2022 is the private respondent before this Court.

Learned counsel appearing for the private respondent submits that the petitioner does not have a right to construct a podium/ "Bedi" on the land for the Durga Puja.

Since there is an existing order of injunction on the land where the petitioner intends to hold the Durga Puja, this Court is of the view that the petitioner cannot claim an indefeasible right to hold Puja in that land, also for the fact that the petitioner has not been able to establish a legal right under any statute for holding the Durga Puja only on that land.

It is also significant that the petitioner has not challenged the order dated 28th July, 2022. The objections to the factual recordings in the order can always be challenged by the petitioner before the appropriate forum. This court is not that forum and cannot go into those disputed questions. The petitioner shall have the liberty of approaching the appropriate authorities for seeking permission to hold Durga Puja in any other land, which is not the subject matter of Title Suit No.447 of 2022.

Needless to say, the appropriate authority shall make an independent assessment of the petitioner's case for holding the Durga Puja in the land prayed for.

WPA 21746 of 2022 is accordingly dismissed
without any order as to costs.

(Moushumi Bhattacharya, J.)