

28-09-2022

ct no. 13

Sl. 6

sp

WPA 22210 of 2022

Udayan Pally Sarbajanin Durgotsab Committee & Anr.
-Versus-

State of West Bengal & Ors.

Mr. Ayan Banerjee,
Mr. Dhilan Sengupta,
Mr. Ayan Chakraborty,
Ms. Sohini Mukherjee

...for the petitioners

Mr. T.M. Siddiqui,
Mr. Yash Singhi

...for the State

Mr. Debasis Nandi

...for the respondent no.4

The petitioners are aggrieved that the private respondent is preventing holding of a 'Puja' on a premises. In respect of the property in question, a civil suit being T.S. No. 19 of 2015 is now pending before the learned Civil Judge (Senior Division), Bolpur. The petitioners claim that the private respondent has entered into an agreement of sale and has handed over the possession of the property to them.

Counsel for the private respondent submits that the petitioners are the trespassers. Admittedly, the petitioners have been holding 'Durga Puja' on the said premises for some years now.

In the above circumstances, since the possession of the petitioners is otherwise evident and is continuing and is also the subject matter of the pending civil suit, the petitioners may hold 'Durga Puja' on the said premises.

Needless to mention that holding of the 'Puja' shall abide by any order that may be passed in the pending civil suit above.

For the aforesaid purpose and subject to compliance with all the formalities, the other authorities, namely, the police and the local administration shall consider granting permission to the petitioners for such 'Puja'.

The petitioners shall take all steps in accordance with law for the purpose of holding any 'Puja'.

It is absolutely made clear that this Court has not, in any way, decided upon the title of the private respondent no.4 or the petitioners in respect of the said property in question and the same shall be decided in the pending civil suit.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

