

SL-2 21.10.2022
tbsr Ct. 42

WPA 23341 of 2022
IA No: CAN 1 of 2022

Biswajit Sarkar & Anr.

Vs.

State of West Bengal & Ors.

Mr. Loke Nath Chatterjee

Mr. Sukanta Ghosh

Ms. Amrita Pandey

Ms. Anamika Pandey

Mr. Ghanshyam Pandey

Ms. Sneha Singh

.....for the petitioners

Mr. Amal Kr. Sen

Mr. Sabyasachi Mondal

....for the State

Ms. Sreemoyee Mitra

Mr. Kapil Guha

.....for the CESC

By an order passed yesterday, i.e. on October 20, 2022 by this Bench, this Bench directed the concerned police authorities to issue a registration number for the petitioners to apply before the 'Aassan Portal'. The writ petition was also disposed of by the said order.

Due to the exigency created by the local police station by refusing to allot the registration number citing the grounds which have already been agitated yesterday before this Court, CAN application was required to be filed by the petitioners today and the same is taken up for hearing. The local police station refused to grant permission since no objection certificate was not produced from the owner of the site/premises. By an order dated February 4, 2020 passed a Co-ordinate Bench, it appears that the

petitioners have prima facie been able to establish themselves as the thika tenancy in respect of the said property. Therefore, the question of taking any permission from a private owner of the property does not and cannot arise. The complaint dated October 20, 2022 made by the owner of the property in respect of the aforesaid land in question seems to be instigated at the behest of the authorities. It appears that immediately upon passing of the order by this Court the purported owner of the land was informed and a complaint was invited from him. Mr. Sen, learned counsel appearing for the State denies that the police authorities instigated the purported owner of the land in any manner.

It has been made clear by the order dated October 20, 2022 that kali puja at the said premises has been held for the past 40 years with the exception of last year. Despite the said observation being made by this Court, the Officer-in-Charge, Narkeldanga Police Station directed the petitioners to produce documents relating to previous year's consumer numbers of the CESC, and also documents pertaining to permissions relating previous years of kali puja.

As has been stated in the writ petition that the Aassan Portal has been introduced from 2021 and, therefore, the question of providing permission with

regard to previous years of kali puja being held at the premises did not and could not arise.

This Court is of the view that frivolous objections have been raised without considering the order dated October 20, 2022 by the local police station.

The Officer-in-Charge, local police station is directed to take immediate steps for the purpose of providing permission to the petitioners and for the purpose of issuing registration number so that puja can be held without any impediment. Since no affidavit is invited to CAN 1 of 2022, all allegations contained in the CAN application are denied by the parties.

Report by the State filed in court today be retained with the record.

The authorities responsible for registration of the puja and for maintaining of 'Aassan Portal' are directed to give necessary assistance to the Officer-in-Charge of the local police station for registration of the said puja.

With the directions aforesaid, the CAN application being CAN 1 of 2022 is disposed of.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)