

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Before:

THE HON'BLE MR. JUSTICE JAY SENGUPTA

W.P.A. 23385 OF 2022

Jogendra Ram & Anr.

VS.

State of West Bengal & Ors.

For the Petitioners:

Mr. Partha Sarathi Bhattacharyya
Mr. Supratim Dhar
Mr. Kunal Ganguly

For the State :

Mr. Amal Sen
Mr. Jahar Dutta
Ms. Sangeeta Roy
Mr. Dipankar Ghosh

Heard on:

28.10.2022

Judgment on:

28.10.2022

JAY SENGUPTA, J:

This is an application praying for direction upon the respondents-authorities to allow the petitioners' Samity to perform their holy Chhat Puja over Rasbari Ghat, Bally, Howrah on 30.10.2022 and

31.10.2022 as they have been performed the same since 1996 on the same place.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel for the petitioners submits as follows. The petitioners are the President and Secretary of one Sarvojanik Chhat Puja Samity, Bally, Howrah, which was established in the year 1996 in order to perform holy Chhat Puja on an annual basis. Accordingly, the petitioners and other members of the community have been performing Chhat Puja at the place in question since 1996. They have been submitting applications before the respondents-authorities, which were received by the concerned authorities. On 26.10.2022 the petitioners submitted a similar application before the concerned authorities seeking permission to perform Chhat Puja on the said dates. However, no response has been forthcoming. The petitioners are praying for direction upon the concerned authorities to allow the petitioners' Samity to perform Chhat Puja at the place. The petitioners undertake that they would clean up the place at their own initiative and cost after performing Chhat Puja.

The learned counsel appearing on behalf of the State-respondents submits as follows. It is true that Chhat Puja had been celebrated at Rasbari Ghat, Bally, by the said Samity for the last few decades including the period of COVID 19 pandemic. The respondents have no objection if

the petitioners and others perform Chhat Puja at the said place peacefully and upon obeying all the laws of the land.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition.

It is the petitioners' case that they have been performing Chhat Puja since 1996 and the same has not been disputed by the respondent-authorities.

It further appears that on earlier occasions communications were made by the petitioners' Samity and those were received by the concerned authorities and thereafter the petitioners performed Chhat Puja at the place in question. This year also the respondent-authorities are not objecting to the performance of Chhat Puja at the same place.

Therefore, there is no impediment on the petitioners and the members of the Samity in performing Chhat Puja at the place.

However, in the event such Puja is celebrated by the petitioners and/or the said Samity, they shall perform the same peacefully, without adversely affecting the rights of others and upon obeying all the local and municipal laws in this regard. They shall also fulfill their commitment to clean up the place at their cost after completion of the Puja.

No further order need be passed.

The writ petition is disposed of accordingly.

Urgent photostat certified copy of this order if applied for be given to the parties on usual undertakings.

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

(JAY SENGUPTA, J.)

SM