

November 21, 2022
AD-22
Court No.1
SG

WPA(P) 539 of 2022

Mriganka Mistry and others
vs
The State of West Bengal and others

Mr. Subhabrata Chowdhury, Advocate
....for the petitioners

Mr. Anirban Ray, Id. GP
Mr. T.M. Siddiqui,
Mr. Nilotpal Chatterjee,
Mr. Debraj Sahu, Advocates
....for the State

Mr. Dhiman Ray,
Mr. Dip Chanda, Advocates
....for the respondent No.9

Ms. Susmita Saha Dutta, Advocate
....for the added respondents

The allegation in this public interest petition is that private respondent No.9 is organising a 'Piali Rass and Gramin Mela, 2022' and the duration of mela is 10-15 days which is extended to 21 days and the timing is between 4 pm to 12 noon. Further allegation is that 70% of the ground on which the mela is organised is owned by the Railways and the said mela has nothing to do with any religious celebration but it has been organised to have illegal earning from gambling.

Learned counsel for petitioners has submitted that the mela is being organised without permission from the Railway authorities on the Railway land and it is a gambling festival and the sound restrictions are not

adhered to and the same will effect studies of the nearby students whose examinations are approaching.

Learned counsel for Railways has submitted that she has no clear instruction as to whether the mela is being organised on the Railway land. She has further submitted that no permission from the Railways has been taken.

Learned counsel for respondent No.9 referring to affidavit-in-opposition filed today has pointed out that the mela is being organised only for 21 days and only 6 days are remaining. He has referred to various permissions which are already enclosed with affidavit-in-opposition.

Having heard learned counsel for the parties and on perusal of affidavit-in-opposition filed by respondent No.9, we find that the NOC for the mela in question has been granted by the Block Land & Land Reforms Officer, Canning. The licence has been issued for the mela on 09.11.2022. On 21.10.2022 the NOC has also been granted by BMOH, Ghutiary Sharif BPHC, Canning-I Block to hold the mela between 6 pm to 10 pm. The permission for using microphone has been granted by the Sub-Divisional Officer, Canning by the order dated 07.11.2022 imposing certain restrictions.

Hence, we find that adequate protection has also been provided while issuing the letter of permission and the no-objection certificate by imposing the conditions therein. Since there is an allegation of violation of these

conditions especially the conditions relating to the timings and sound restrictions which may effect the studies of the children, therefore, we direct respondent No.8, Sub-Divisional Officer, Canning to ensure that the conditions which are imposed in the NOC/permission letters are duly complied with by respondent No.9, Mela Committee. If it is found that the mela committee in any manner is violating the said conditions then respondent No.8 will be at liberty to take appropriate action in accordance with law. Meanwhile, the Railway authorities will ascertain whether the mela is being organised on the Railway land and if that be so, they will be at liberty to take appropriate action for organising the mela without permission.

Accordingly, the present petition is disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)