

5 08.12.2022

gd/ssd

MAT/1755/2022
IA NO: CAN/1/2022
KHELAI CHANDI MELA COMMITTEE AND OTHERS
VS
STATE OF WEST BENGAL AND ORS.

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar
..for the Appellants.

Mr. Raja Saha,
Ms. Piyali Sengupta
..for the State.

Ms. Reshmi Ghosh
..for the Respondent Nos.8 and 9.

Mr. Birendra Kumar Jha,
Mr. Anish Das
..for the Respondent No.10.

By this intra court appeal the appellants (writ petitioners) have challenged the order of the learned Single Judge dated 25.07.2022 whereby WPA 9336 of 2022 has been disposed of with certain observations.

The appellants had approached the writ court seeking a direction to the official respondents to conduct Khelai Chandi Mata Thakurani Mela over the land in question by raising the plea that the said Mela is traditionally held since last several decades. The appellants had also challenged the order of the Sub-Divisional Officer dated 02.05.2022 rejecting the prayer for holding the Mela on the plot in question for the earlier year.

Learned Single Judge in the impugned order has reached to the conclusion that the Mela is traditionally held only on the 15th day of January of every year and that it cannot be held at any time of the year and there are rival claims on the land in question.

Having perused the order of the Sub-Divisional Officer dated 02.05.2022, we find that the Sub-Divisional Officer, taking into account the local sentiments that the Mela may be held during the stipulated time in the next year on the 1st day of Magh of the Bengali calendar, has observed that the Mela may be organised next year subject to submission of prior application through the appropriate channel before the appropriate authority keeping in view the sanitation, health, security and safety of the local people.

Learned counsel for the State has submitted that the entire issue has become now academic because earlier during the Covid period Mela could not be held on the stipulated date, therefore, there was prayer for holding the Mela in different month which was not acceded to. He has also submitted that if the appellants make fresh application for holding the Mela on the 1st day of Magh of the Bengali calendar, then their application will be duly considered by the competent authority in accordance with law subject to all approval by different authorities and other

consideration mentioned in the order of the State.

Having regard to the aforesaid, learned counsel for the appellants has also prayed for disposal of the appeal with permission to file a fresh application. That apart, we also do not find any error in the order of the learned Single Judge.

Hence, we dispose of the appeal leaving it open to the appellants to file fresh application for permission to hold the Mela on the stipulated date in January, 2023 before the competent authority. If such an application is filed by the appellants, the same will be duly considered expeditiously in accordance with law.

The appeal is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Subhendu Samanta J.)

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