

19-06-2023
ct no. 13
suppl. no. 1
sp

WPA 14269 of 2023
With
CAN 1 of 2023
Manoj Mishra
-Versus-

State of West Bengal & Ors.

Mr. Phiroze Edulji,
Mr. Ajit Mishra,
Mr. Manabendra Bandopadhyay,
Mr. Ravi Ranjan Kumar,
Mr. Abhishek Dey,
Mr. B. Singh

...for the petitioner

Mr. Amitesh Banerjee, ld. Sr. St. Counsel,
Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu

....for the State

Re: CAN 1 of 2023

1. CAN 1 of 2023 has been mentioned today by the State in the morning today. On extreme urgency stated, the matter was allowed to be listed and taken up at 2 p.m. today.
2. Mr. Sen, learned counsel for the State who appeared on June 16, 2023 submitted that notice was far too short for him, to obtain appropriate instructions from the Office of the Commissioner of Police, Howrah and the Sankrail Police Station on the said day. It is averred on affidavit that Sankrail Police Station was approached by the petitioners earlier and they were orally informed that the Rathyatra could not be allowed by the police. The area

from the Jagannath Temple near the gate of Delta Jute Mill to Beltala More. There has been some delay in communication to the Office of the Commissioner of Police, Howrah by the Sankrail Police Station.

3. The application filed today, is to seek modification of the order passed on June 16, 2023 to permit the petitioner to carry the deity from the temple located near the Delta Jute Mill gate physically upto Beltala More and thereafter proceed from Beltala More on the chariot towards KDT Pole and even thereafter need be.
4. This Court has heard Mr. Amitesh Banerjee, learned Senior Counsel for the State and Mr. Amal Kumar Sen. Mr. Phiroze Edulji represents the petitioner and has also been heard.
5. Having heard the learned counsel for the parties, this Court is of the view that to require the petitioner to physically carry the deity from the temple located near the Delta Jute Mill gate to Beltala More without a chariot, would negate, defeat and compromise the object and purpose of the Rathyatra.
6. A Rathyatra as folklore and mythology would have, meant for the deity Lord Jagannath and Balabhadra to travel on a chariot from their

house to their sister's house/aunt's house to visit and to see an unwell aunt.

7. Such festival and practice is being followed in this Country for thousands of years. It would be grossly inappropriate on the part of the police to dictate that the deity has to travel without a chariot half way on the journey i.e. for about 300 meters.
8. Insofar as the sensitivity issue raised by the police, this Court is of the view that over the decades and centuries, people of all the religious denominations have participated with joy and/or actively supported Rathayatra in this State. To restrict a Rathayatra, and to impose conditions therefor would amount to interference with a religious practice which has not happened in this State or any other part of the country, till date.
9. In those circumstances, if there is any anticipation of any vested interest or elements to disrupt the religious function, appropriate and stern procedural measures shall be taken by the police. The petitioner shall as already directed earlier, maintain peace and harmony in the procession of the Rathayatra. The order dated June 16, 2023 remains without being modified.

10. With the aforesaid observations, CAN 1 of 2023 shall stand disposed of.
11. There shall be no order as to costs.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)