

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 17330 of 2023
Pradip Kumar Biswas
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Somnath Adhikari
Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir

For the State : Mr. Asish Kumar Guha
Mr. Ziaul Haque

Heard on : 14.08.2023

Judgment on : 14.08.2023

JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to maintain peace and tranquillity over the sensitive area and to grant protection to the temple and to the life and property of the petitioner and the lives of those who visit the said temple.

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

Supplementary affidavit filed on behalf of the petitioner is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the committee member of the organization looking after the temple and he himself looks after the temple in question. The temple is situated at Maligram, Prithiba, North 24 Parganas. It was built around 1907. Without any disruption or any untoward incident, Puja and rituals had been performed at the said temple with much pomp and grandeur. Of late, there had been attacks on the said temple. In fact, on a number of occasions, the temple has been vandalized and desecrated. This was brought to the notice of the local police authorities. But, no steps were taken. Certain miscreants belonging to the other community had been committing untoward incidents for insulting religious sentiments of the petitioner and others like throwing meat and bones within the temple compound. Now, the police have posted a picket for security of the temple. All these disturbances take place mainly at night.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits as follows. First, the temple is situated on a vested land. The dispute, if any, is of civil nature. However, in order to prevent any kind of communal tension, a police picket has been put up in front of the said temple since 28.02.2023.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It does not appear that the petitioner has been able to cite particular incidents of such grievous nature as would require deployment of police forces in the area. However, occasional cases of desecration of the temple has been alleged.

Admittedly, the police are providing a picket near the temple for 24 hours' since 28.02.2023. This, however, presupposes some kind of disturbance or at least an apprehension of the same.

In view of the above and in the interest of justice and without prejudice to the rights and contentions of any of the affected parties, let the police picket continue at least till the year end because it is then that the festive season will come to an end. Thereafter, it shall be open to the respondent police authorities to assess the security situation and decide whether to continue the police picket any further.

The police shall also keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)