

21.08.2023

Item No.05

Ct. No.1

PG/AGM

W.P.A.(P) 422 of 2023
Bharatiya Shanti Dal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. K.P. Mukherjee.....for the petitioners

Mr. Biswabrata Basu Mallick

Mr. Parikshit Goswami.....for the State

1. The petitioners, by filing this public interest litigation has flagged a very important issue, wherein the petitioners seek for appropriate directions upon the respondent no. 1 to immediately declare the “Heritage House” of Desh Bandhu Chittaranjan Das (C.R. Das) within a fixed period and to ensure that the house is renovated and repaired and the museum, which was established therein should be thrown open to the public.
2. The learned Government counsel has produced the written instruction given by the District Magistrate and Collector, Darjeeling dated 18th August, 2023. In the said written instruction, there are annexures and we find that the District Magistrate, Darjeeling by memo dated 28th July,

2023 has addressed the Additional Chief Secretary to the Government of West Bengal, North Bengal Development Department, Jalpaiguri for administrative approval and funds requisition for the purpose of restoration and renovation of the said house. The said communication reads as follows:

*“MemoNo.562/Plan/NBDD Dated:28.07.2023
To,
The Additional Chief Secretary
to the Govt. of West Bengal
North Bengal Development Department
Branch Secretariat, Uttarkanya,
Fulbari, Jalpaiguri-734105.*

*Subject: Submission of scheme for
Administrative Approval and fund requisition for
the same.*

Sir,

With reference to the subject cited above, this is for your kind information that one scheme viz. “REPAIR AND RENOVATION WORK AT STEP-A-SIDE (DESHBANDU MUSEUM)” has been prepared for an amount of Rs. 29,92,276/- (Rupees Twenty nine Lakhs ninety two thousand two hundred and seventy six) only. The site is one of the oldest and historical location of importance in Darjeeling and restoration of the said property is urgently required.

*The historical importance of this place comes from the fact that **“The eminent Freedom Fighter, Desh Bandhu Chittaranjan Das came to Darjeeling on 15th May, 1925 to regain his health and stayed at the house owned by Nipendra Nath Sarkar which is presently known as STEP-A-SIDE. This house is constructed just below the Chowrasta towards Bhutia Busty on C.R. Das Road (named after him). It was here that Mahatma Gandhi came to visit the ailing Chittaranjan Das and stayed for five days. He also brought the “CHARKHA” along with him. Smt. Annie Besant also visited the place. Desh Bandhu passed away in this house on 17th June, 1925.”***

Keeping the above facts in consideration, the undersigned would like to request you to grant Administrative Approval and sanction of fund for the said work.

Yours faithfully,

*District Magistrate
Darjeeling*

Dated: 28.07.2023.

3. Considering the fact that the heritage structure of the State has to be preserved, the Government should take pro-active step in the matter and immediately administrative approval and sanction of funds are to be made by the Government on top priority basis.
4. In the light of the above, we direct the Additional Chief Secretary to the Government of West Bengal, North Bengal Development Department, Jalpaiguri, who has not been impleaded as respondent in this writ petition to take further steps based on the request made by the District Magistrate, Darjeeling dated 28th July, 2023 and grant the administrative approval and sanction of funds sought for as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of server copy of this order.
5. Let a copy of this order be communicated to the Additional Chief Secretary to the Government of West Bengal, North Bengal Development

Department, Branch Secretariat, Jalpaiguri-734105 for due compliance of the directions issued hereinabove.

6. With the above directions, the writ petition is disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)