

D/L. 5.
October 13 2023.
MNS.

WPA No. 20447 of 2023

ALAKAI Block Cultural & Welfare
Association and another
Vs.
State of West Bengal and others

Mr. Soumabho Ghose,
Mrs. Anyapurba Banerjee,
Ms. Shreya Ghosh Dastidar

... for the petitioners.

Mr. Ayan Banerjee,
Mr. Abu Siddique Mallik

...for the State.

Mr. Chayan Gupta,
Mr. Saaquib Siddiqui

...for the respondent nos. 2 to 4.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner no. 1 is a registered Association and the petitioner no. 2 is its General Secretary. The petitioner no. 1 is an Association, which was in charge of representing the residents of three blocks in New Town, being the AL, AK and AI blocks. Subsequently, the blocks were split up into three separate ones and Associations were formed in respect of each of those blocks. Although previously the petitioner no. 1 used

to conduct Puja for all the three blocks together, the respective Associations of each of the blocks have now been allocated the plots for performing Durga Puja.

3. Learned counsel for the petitioners submits that the petitioners have all along been in possession of the property and seeks to lay stress upon photocopies of the electricity bills which are of recent origin in that regard, which are annexed to the writ petition. It is submitted that the petitioners have been illegally ousted from the plot.
4. Learned counsel for the petitioners further argues that the petitioners merely seek to organize a Puja and the respondent authorities may consider such plea of the petitioners.
5. Learned counsel appearing for the respondent nos. 2 to 4, that is, the New Town Kolkata Development Authority and the West Bengal Housing Infrastructure Development Corporation submits that the respective blocks are now under the authority of separate Associations, each of whom have been permitted to organize Durga Puja in each of the said blocks on allocated plots. As such,

the petitioner no. 1 has no justification for continuance, at least for the purpose of organizing Durga Puja.

6. It is also argued that the petitioners have sought for cancellation of allocations made to others, who are not parties to present writ petition. Hence, the writ petition is bad for non-joinder of necessary parties.
7. On a perusal of the documents and hearing of learned counsel for the parties it is revealed that at present there are three separate Associations in charge of the supervision and cultural festivities in three of the blocks, which were previously under the joint charge of the petitioner no. 1-Association. Since the said Associations have been allocated respective locations for organising Durga Puja for each of the blocks, the petitioner no. 1 has become redundant and does not have a statutory or a constitutional right to insist upon organising a Durga Puja in any of the said blocks or otherwise.
8. In any event, the rights claimed by the petitioners over the plots-in-question are within the domain of a competent civil court to

decide and cannot be adjudicated in the present writ petition.

9. Accordingly, WPA No. 20447 of 2023 is dismissed.

10. However, nothing in this order shall preclude the petitioners from approaching the competent civil court for canvassing their independent civil rights with regard to the properties-in-question, if the petitioners are otherwise entitled to do so in law.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)