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08.09.2023
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Ct 14

WPA 20584 of 2023

Pratap Barai
-vs-
State of West Bengal & ors.

Mr. Ritzu Ghoshal
Mr. Sayantan Chatterjee
Mr. Anirban Ghosh
....for the petitioner

Mr. Md. Y. Mondal
...for the private respondents
Mr. Suman Ghosh
Mr. Amrit Lal Chatterjee
...for the State

This is an application for a direction upon the respondent police authorities to grant permission to the petitioner being the Sahapara Sarbojonin Durgotsav Committee, Cosmos Club, for organizing and celebrating Durga Puja from 17th October, 2023 to 25th October, 2023 on the plot of land in question.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been holding Durga Puja Celebration for a very long time at the plot in question. Since 2006, they have been seeking and obtaining written permission, inter alia, from the respondent police authorities

for holding such celebrations. The private respondents claiming to be owners of the said land had filed an application Under Section 50 of the WBLR Act, 1955. By an order dated 30.08.2011, it was recorded that the petitioner was physically possessing .14 acres of land in plot no. 1647 and .11 acres of land in the same plot was possessed by the club for a long time where they are conducting pujas and other activities. This order and the consequent order dated 08.09.2011, thereby recording vesting of .11 acres of land to the State was not challenged by anyone. Subsequently, the private respondents had come up before this Court with an application being WPA 5581 of 2023. By an order dated 18.04.2023, this Court directed the District Magistrate, Nadia to ascertain whether the construction on the said plot had been made in accordance with the provisions of law. It was further recorded as submissions on the learned counsel for the private respondents that a concrete construction existed on the said plot from which the club held annual Durga Puja and religious festival. Till date, the District Magistrate has not been able to finally dispose of the proceedings. It was only after filing of the present writ petition that a notice was given to the petitioner on 24.08.2023 that a hearing would take place in this regard. As such, there is no impediment on the petitioner to conduct the Durga Puja celebrations on the said plot of land.

Learned counsel appearing on behalf of the private respondents submits as follows. The proceeding before the

District Magistrate is still pending. Besides, the land in question is recorded in the name of the father of the private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The proceeding before the District Magistrate is still on. A hearing has taken place. However, it is also a fact that the club had been holding the Durga Puja festival for quite some time.

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.

Considering the findings made under Section 50 of the WBLR Act and the directions given by this Court earlier in its order dated 18.04.2023 passed in WPA 5581 of 2023, one thing is very clear that the club has been holding annual Durga Puja and other religious festivals from a particular portion of the land for quite some time.

Let the direction passed by this Court in WPA 5581 of 2023 be complied with as expeditiously as possible.

Let the District Magistrate conclude the proceeding at the earliest and inform the parties about the outcome.

In the meantime, since not much time is left for arranging for the Puja Festivals, let the State respondents permit the petitioner to hold the Puja at the same place where they have been holding it for the last so many years. However, after the puja celebrations are concluded, all the parties shall have to act in terms of the decision taken by the

learned District Magistrate.

It is needless to mention that the Puja Committee shall not build any permanent structure on the plot in question.

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,

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)