

October 18, 2023
AD 26
Court No.14
SG

WPA 21787 of 2023

Subal Chandra Ghosh and another
vs.
The State of West Bengal and others

Mr. Phiroze Edulji
Ms. Sanjana Saha

... for the petitioners

Mr. A.K. Guha
Mr. B. Ahmed

... for the State

Mr. A.K. Biswas

... for the respondent No.9

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the land in which an ancient Shib Mandir is situated. Regular puja is performed there. The private respondents are creating trouble to block the ingress and egress to the Mandir by bringing up a pandal purportedly for holding Durga Puja. This was brought to the notice of the police, but no steps were taken.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents have been conducting Durga Puja at the place in question for the last 25 years. The petitioners are objecting to the puja because they are not involved in the committee.

Learned advocate for the State relies on the report and submits as follows. There is an ancient Shib Mandir existing on the land in question. The disputes arise on

the issue of the ownership of the land. In support of the claim, the petitioners and the private respondents have produced relevant documents. Till date the private respondents have not submitted any representation of Durga Puja. On the complaint of the petitioners, steps have been taken and a proceeding under Section 107 of the Code has been initiated.

If the private parties claim any relief in respect of the property in question, they shall have to do the same before the competent civil court.

Since it appears that the private respondents are conducting Durga Puja on the said land for many years and there is hardly no time to decide the disputes before the puja, let the puja be conducted by the private respondents in a manner which shall not effect the entry and exist of Shib Mandir. This permission to hold Durga Puja shall not create any equity in favour of the private respondents.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see that no order of a civil court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

