

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 23908 of 2023

**Kakdwip Byayam Samity O Mukul Natya
Sandad and another**

Versus

The State of West Bengal & Ors.

For the petitioners

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Badrul Karim
Mr. Dipankar Das

For the State

Mr. K.J. Yusuf
Mr. Parikshit Goswami

For the Respondent Nos.8-10

Mr. Kingsuk Mondal
Mr. Pradip Kundu
Mr. Partha Sarathi Mondal
Ms. Antara Das

Heard on

05.10.2023

Judgment on

05.10.2023

JAY SENGUPTA, J:

This is an application under Article 226 of the
Constitution of India, inter alia, praying for direction upon the

respondent authorities to register an FIR on the basis of a written complaint made by the petitioners, to protect the property in question from the clutches of the private respondents and their family members and for direction not to block the ingress and egress of petitioners' office.

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

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

Learned counsel representing the petitioners submits as follows. The petitioner No.1 is one Kakdwip Byayam Samity O Mukul Natya Sansad and the petitioner No.2 is the secretary of the said organisation. Although the land in question was vested one, by an order dated 02.02.2012, the BL&LRO allotted the said land to the Byayam Samity. The private respondents are trying to cause disturbances in the locality for which several complaints had to be lodged by the petitioners. But, the police did not take any steps. Now, the private respondents are intending to conduct Durga Puja at the land in question by blocking the ingress and egress of the petitioners' office. If the private respondents want to conduct Durga Puja in the said portion of the land, then necessary permission should be sought from the petitioners.

Learned advocate for the private respondents submits that only a part of the land in question was allotted to the petitioners and the other part was given to the private respondents for use. In fact, they had been conducting Durga Puja on the said land for more than hundred years. The concerned authorities have given all required permissions in this regard.

Learned advocate for the State relies on the report and submits that the private respondents had been conducting Durga Puja on the said land for quite sometime. Necessary permissions were given by the BL&LRO and other concerned authorities. However, over the disputes a proceeding had to be initiated under Section 107 of the Code. A close vigil is maintained in the locality.

It appears that the BL&LRO has granted permission to the private respondents for conducting Durga Puja. The private respondents have been conducting Durga Purja on the said land for so many years. Therefore, no question arises of asking for permission from the petitioners in this regard.

However, the private respondents shall conduct Durga Puja in a manner so that the ingress and egress to the petitioners' office is not blocked.

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

With the aforesaid observations, WPA 23908 of 2023 is disposed of.

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

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

(Jay Sengupta, J)

SG