

Item No.13

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

06.10.2023
Ct-24

WPA 23999 of 2023
Sabnam De

v.

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Badrul Karim
... for the petitioner.

Mr. Santanu Mitra
Ms. Rama Haldar
... for the State.

Mr. Ankit Sureka
Mr. Asis Dutta
... for the respondent no. 2.

Mr. Pradip Kumar Roy
Mr. Joydeep Roy
... for the respondent nos. 3 & 4.

Ms. Mekhla Sinha
... for the intevenor Abasan Samity.

The writ petition has been filed by the
Administrator of Vivekananda Samabaya Abasan
Samity.

It has been submitted by the learned advocate
representing the petitioner that inadvertently the Samity
has been impleaded as respondent no. 7. Prayer has
been made for expunging the respondent no. 7 from the
cause title of the writ petition.

As it appears that the administration of the
Cooperative Society is presently under the control of the
Administrator duly appointed by the Cooperation

Department, accordingly, the Society cannot be represented separately. As the Administrator is the petitioner, there is no requirement of impleading the Society separately. The respondent no. 7 is, accordingly, expunged from the cause title of the writ petition.

Prayer has been made by the petitioner for conducting the forthcoming Durga Puja and Kali Puja, 2023 inside the Society and to install CCTV cameras at different vital places inside the Society and also to engage security guards in the Society premises for maintenance of peace and tranquility.

A report has been placed by the Officer-in-Charge, Manicktala Police Station wherefrom it appears that there is a long standing civil dispute between the two groups of members of the Society. There is one group which allegedly conducts the puja for the last fifty-two years. There is a dispute with some of the members of the Society with the Administrator.

The Court is apprehensive as to whether it will be proper to pass any order upon the respondent authorities to consider the prayer of the petitioner as sought for.

Keeping in mind that the puja was organized in the Society for a long period of time, accordingly, the Administrator is given liberty to approach the Officer-in-Charge, Manicktala Police Station.

The police is directed to grant an opportunity of hearing to the Administrator and if the police can ensure there will be no breach of peace in the Society, then permission for puja may be allowed. If the police is not confident enough with regard to maintaining peace

during the festive season, then the permission may be declined.

A decision shall be taken in the matter at the earliest but positively by October 11, 2023.

The police may also consider the prayer of the petitioner regarding installation of CCTV cameras and security guards in the Society premises for maintenance of peace and tranquility and to prevent any untoward incident.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)