

12<sup>th</sup> October,  
2023  
(AK)  
05

**W.P.A 24109 of 2023**

Dabuapukur Nabajagaran Durgautsav Committee and  
others

Vs.

The State of West Bengal and others

Mr. Subir Sabud

...for the petitioners.

Mr. Amitesh Banerjee

Mr. Suddhadev Adak

...for the State.

1. Learned counsel for the petitioners contends that the petitioners did not get an opportunity to apply for organizing a Puja festival during the oncoming Durga Puja season.
2. It is submitted that the designated online portal of the State Government is accepting only applications in cases where the committee concerned had previously held a Puja.
3. It is submitted that to organize the Puja is a basic right of the petitioners, implicit in the fundamental right to live with dignity and associated rights.
4. Learned senior standing counsel appearing for the State submits that as a matter of a policy, the State is not accepting applications for new Puja, in view of extreme administrative inconvenience.

5. It is submitted that already the administration is overburdened during the Durga Puja festival and, as such, the application of the petitioners could not be accepted online.

6. Keeping on balance the rights of the petitioners to organize a festival, which is an implicit part of the right to live with dignity and to profess the faith of the petitioners, and the administrative exigencies, the petitioners' application ought to be accepted and considered by the respondent authorities for the purpose of ascertaining whether sufficient arrangements can be made for the petitioners.

7. In view of the above discussions, WPA 24109 of 2023 is disposed of by granting liberty to the petitioners to file an application manually for the purpose of organizing a Puja as sought by the petitioners before the respondent no.4, that is, the Sub-Divisional Officer, Tamluk, within a week from date.

8. If such an application is filed by the petitioners, the respondent no.4 shall accept the same and grant permission to the petitioners subject to all due compliances by the petitioners and all formalities being complied with by the petitioners in due process of law.

9. Such exercise shall be concluded within three days from the filing of such application by the petitioners.

10. All parties shall act on the written communication of the learned Advocates for the parties coupled with server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Sabyasachi Bhattacharyya, J.)**