

10 17.10.2023
NB Ct. 14

WPA 24934 of 2023

Tripti Dhali & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Mr. Chiranjit Pal.
...for the petitioners.

Mr. Amitesh Banerjee Id. SSC,
Mr. Suman Sengupta Sr. Govt. Adv.
...for the State.

Mr. Alok Kr. Ghosh,
Mr. Gurudas Mitra.
...for the KMC.

Written notes of submissions filed on behalf of the petitioners and the State are taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners want to hold Durga Puja for the first time in the Entally area. Their preferred venues are either the Ram Leela Park or the CIT Park at Entally. They have made an application for holding the said Puja. But, no permission was granted. They had to approach this Court. Afterwards, the position of law was made clear by the Division Bench of this Court. It was clarified that the purported bar placed by the order dated 22.07.2005 by this Court in WP No. 21481(W) of 2004 was meant only for the year 2005. Thereafter, several new Pujas have been held this year, even in the city of Kolkata. In fact, there are instances of new Pujas being held one at Sankharitola Street and the other at Picnic Garden. The only response of the State is that the State has

not granted any permission, but has also not been preventing the organisers from holding such Pujas. However, the present petitioners as organisers require a valid permission for holding such Puja. They shall abide by the usual norms for holding such Puja and shall try to keep it at a medium scale.

Learned counsel appearing on behalf of the Kolkata Municipal Corporation submits as follows. Ram Leela Maidan at Entally is not available for the Durga Puja, at least this year. However, the CIT Park is available provided the police grants permission. The Corporation shall take necessary steps if the Court so directs. The Corporation will be in position to take necessary steps to grant permission for the Puja to be held at the CIT Park. The Director General, Civil and the Director, Parks and Square, KMC may be notified at the earliest by the petitioner.

Learned senior standing counsel representing the State submits that one of the concerns of the State regarding granting permission for new Pujas is that this might led to the opening of floodgates for many such applications.

A coordinate Bench of this Court, by its order dated 25.08.2023 passed in WPA No.17704 of 2023, also granted permission to hold Durga Puja, although it was initially turned down.

In view of the above, I do not find any reason not to allow the petitioners to hold the Durga Puja at the venue available provided they abide by the usual norms.

Accordingly, let the State enroll the petitioners in 'Aasaan' portal today itself so that the formal permission can be granted by the concerned authorities.

Let the organisers being the petitioners hold the Puja at the CIT Park following all the usual norms meant for the same.

The respondent authorities shall render necessary assistance in this regard.

With these observations, the writ petition is disposed of.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

Learned advocate on record of the petitioners shall be at liberty to communicate a gist of this order to the concerned authorities, who shall act on the same.

(Jay Sengupta, J.)