

Item No.34

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.10.2023
Ct-24

WPA 25279 of 2023
Sabnam De

v.

The State of West Bengal & Ors.

Mr. Avik Ghatak
Mr. Fahad Imam
... for the petitioner.

Mr. Srijan Nayak
Ms. Rituparna Maitra
... the respondent nos. 2 & 3.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State.

Mr. Ankit Sureka
Mr. Asis Dutta
... for the respondent no. 4.

Mr. K. Banerjee
Mr. Md. Idrish
Ms. Pritha Ghosh
Mr. Ishan Ganguly
... for the intervenor.

The matter relates to performing Durga Puja in the Vivekananda Samabaya Abasan Samity at 202 and 203, Maniktala Main Road, Kolkata-700054.

The Co-operative Society is presently under the supervision of the Administrator, a learned advocate of this Court. A group of members of the Society are interested to perform the Durga Puja; whereas the other group opposes the same.

The Administrator is in a fix with what to do.

The Administrator filed an earlier writ petition before this Court seeking permission for holding the

Puja. The Court in WPA 23999 of 2023 (Sabnam De v. The State of West Bengal & Ors.) vide order dated October 6, 2023 gave liberty to the Administrator to approach the Officer-in-Charge, Maniktala Police Station. The police was directed to hear the Administrator and if the police could ensure that there will be no breach of peace in the Society, then the police may permit the Puja to be performed.

The present writ petition at the instance of the Administrator has been filed alleging that the discussion with the police was not fruitful and, accordingly, seeks direction of the Court to hold the Puja.

Learned advocate representing the police submits, upon instruction that, the police does not have any objection if the Puja is held in the Society.

The learned advocate representing the intervenors who are the members of the rival faction of said Co-operative Society submits that the Puja is held in the said Society for more than fifty years and they have already taken steps for performing the Puja this year.

It has been submitted that the Administrator, with the aid and assistance of the rival group of members of the Co-operative Society, is trying to disturb in the holding of the Puja.

The aforesaid allegation is, however, denied by the learned advocate representing the Administrator.

Be that as it may, as it appears from the submissions made on behalf of the parties that both the rival groups are interested to perform the Durga Puja and as it appears that the Puja is being held by the rival group for a pretty long time, accordingly, there is no reason as to why the said group will not be permitted to hold the Puja this year.

The group which was holding the Puja will perform the Puja this year. The members of the other group are

restrained from disturbing in holding the Puja in any manner whatsoever. The Administrator is restrained from interfering in holding of the Puja in any manner whatsoever. After the Pujas are over, the Administrator can take over the charge of administration of the Society, as permissible in law.

The Officer-in-Charge, Maniktala Police Station is, however, directed to keep strict vigil over the Society to ensure that no breach of peace takes place in the locale and the Puja is performed in a conducive atmosphere. The Court expects that all the members of the Co-operative Society will voluntarily participate in the Puja leaving aside their differences on the days when Puja will be held.

The writ petition stands disposed of.

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.)