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09.11.2023
Ct. No. 5
(Vacation Bench)
SB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25844 of 2023

Kalyan Samity and Another
-versus
The State of West Bengal & Ors.

Mr. Sandipan Das
Mr. Indranil Munshi
Mr. Vinayak Chaubey
Ms. Vedika Bhotika ...For the Petitioners

Mr. Santanu Mitra
Mr. Avijit Sarkar ... For the State

Ms. Pratati Das
... For the Municipality

In compliance with the direction of the order passed of this Court 08.11.2023 an alternative site has been shown to the petitioners. According to the petitioners, the alternative site is used as a conservancy site and Puja cannot be performed there.

Learned advocate representing the Maheshtala Municipality submits, upon instruction that, the land where the petitioners intend to perform the Kali Puja has been excavated for the purpose of raising construction.

Learned counsel representing the petitioners submits that excavation has been done but only to the extent of six inches and the petitioners will not require more than 400 sq.ft. for performing the Puja.

Keeping in view the fact that the petitioners performed the Puja at the said place for a considerable period of time, the Municipality is requested to permit the petitioners to perform the Puja only for a limited period from 10.11.2023. The petitioners will be obliged and bound to handover peaceful vacant possession of the land to the Municipality by 15.11.2023.

Only for the aforesaid period of six days i.e. from 10.11.2023 till 15.11.2023, 400 sq. ft. of the subject land be permitted to be used by the petitioners for performing Kali Puja. The said Puja will not create any right or equity in favour of the petitioners.

The writ petition stands disposed of.

The instruction provided by the Municipality be retained with the records.

(Amrita Sinha, J.)