

09.11.2023
Item No.29
Ct. No.5
Vacation Bench
CHC/S. De
(dismissed)

W.P.A.25880 of 2023

Tushar Rajbangshi
Vs.
The State of West Bengal & ors.

Mr. Simanta Kabir,
Mr. Avik Pramanick
...for the petitioner

Mr. Santanu Kr. Mitra,
Mr. Abhijit Sarkar
...for the State

The petitioner, being the Pradhan of the Gram Panchayat, has filed application before the Executive Officer of Bhirkhum Zilla Parishad seeking necessary permission for holding a fair from 12th November, 2023 to 15th November, 2023.

The prayer of the petitioner not being allowed, the present writ petition has been filed.

It has been submitted that as the Panchayat has been constituted not by the members of the ruling dispensation, accordingly, the respondent authority is deliberately not issuing the licence for holding the fair. It has been submitted that the fair in question was being held at the same place from time immemorial.

Learned advocate appearing for the State respondents has obtained instruction from Paikar

Police Station wherefrom it appears that apart from an application being filed by the petitioner seeking permission for holding the fair, there is a separate application filed by one Uma Shankar Dwa, Secretary of Jajigram Mela Committee for holding the same fair.

Previous licence for holding the fair was over R.S. plot no.1754 and 1746/9132 of Mouza Jajigram. Plot no.1754 having area of 1.85 acre is owned by 16 persons. Plot no.1746/9132 having area of 1.29 acre is owned by six persons. Some of the land owners have given permission to the aforesaid Uma Shankar Dwa for holding the fair and some of the land owners have given permission to the present petitioner for holding the fair.

The police apprehend that there may be serious dispute if permission is given for holding the fair as prayed for. Any person who intends to hold the fair is required to obtain the consent from all the owners of the land in question.

Spot enquiry revealed that the petitioner is the resident of another village (Panchahar Village) but the fair will be held in Jajigram village. The residents of Jajigram village have strong objection if permission is granted in favour of the petitioner for holding the fair.

Report of the police further mentions that one Rinki Majhi wife of Sudharshan Mondal being a local villager organized the fair since long.

Complaint has been lodged against the petitioner before the police and prosecution under Section 107/116(3) Cr.P.C. vide Pikar PS NCR No.493/23 dated 1st November, 2023 has been submitted against the petitioner and others. The police is keeping strict vigil over the said place.

Upon hearing the parties and upon perusal of the records placed before this Court, the Court is not inclined to accept the prayer of the petitioner for holding the fair. In view of the above, no relief can be granted to the petitioner in the instant case.

Any order directing the respondent authorities for issuance of licence in favour of any party may create serious breach of peace and dispute at the subject place.

The writ petition, accordingly, stands dismissed.

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

(Amrita Sinha, J.)