

February 7, 2023  
Sl. No.12  
Court No.1  
s.biswas

WPA (P) 645 of 2022

*Biswajit Dey and another*  
*vs.*  
*The State of West Bengal and others*

Mr. Raja Biswas,  
Mr. Abhijit Sarkar, Advocates

... for the petitioners

Mr. Jahar Lal De,  
Mr. Rudranil De,  
Ms. Debarati Sen (Bose), Advocates

... for the State

Mr. Debjit Mukherjee,  
Mr. S. Basu,  
Ms. Susmita Chatterjee,  
Mr. D. Ganguly,  
Mr. K. Bhattacharya,  
Mr. S. Chakraborty, Advocates

... for the respondent No.9

In this public interest petition the petitioners have prayed for a direction to the authorities to grant permission for performing the religious fair namely 'Baruni Punna Snan Yatra Mela'.

It is undisputed before this Court that earlier the permission for holding the fair was granted but the it was stopped by the Sub-Divisional Officer, Gangaramur in the year 2022 vide order dated 30<sup>th</sup> March, 2022 on the ground that the fair was organized at the recorded land of the respondent No.9 without taking NOC from him. The said order was not challenged any further.

So far as the current year is concerned, undisputedly no application seeking permission for holding the fair has been filed by the petitioners before the competent authority.

The objection of learned counsel for the respondent No.9 is that the land belongs to the respondent No.9 and Single Bench of this Court, in a petition being WP 6699 (W) of 2016 filed by the father of the respondent No.9, has passed the order dated 12<sup>th</sup> April, 2016 with a direction that the Sub-Divisional Officer shall not allow the fair to be organized unless requisite permission from the said writ petitioner is obtained.

Be that as it may, since the petitioners are seeking a direction for permission to organize the fair in the current year of 2023, therefore they are first required to make a prayer in accordance with law to the competent authority and it is for the competent authority to consider all the relevant circumstances and take a decision on the said application. If the petitioners file such an application before the competent authority then the same will be considered and decided by the competent authority in accordance with law after giving an opportunity of hearing to the respondent No.9 and any other party found to be interested in the matter. While deciding the application, the competent authority will duly consider all the materials produced by the concerned parties.

The present petition is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**