

Sl.01 28.03.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 9086 of 2024

Bharat Jakat Majhi Pargana Mahal
Vs.
The State of West Bengal & Ors.

Mr. Arunava Ganguly,
Mr. Debottam Das.
...for the petitioner.

Mr. Jaharlal De, Sr. Adv.
Mr. Sutanu Chakrabarti.
...for the State.

The instant writ petition has been filed after obtaining leave from the Hon'ble Court for hearing of the matter on urgent basis.

The private respondents could not be served.

The State is represented.

Prayer has been made for dispensing Rule 26 of the High Court Rules relating to applications under Article 226 of the Constitution of India. A copy of the writ petition has however been served upon the State.

Considering the urgency of the matter prayer for dispensing Rule 26 is allowed.

The allegation of the petitioner is that the private respondents are using the name and banner of the petitioner for collecting money, donation and to obtain permission for performing programmes. Permission for holding of one of such programmes on 30th and 31st March, 2024 has already been

obtained by the private respondents in the name of the petitioner.

Specific contention is that the private respondents are neither the members of the petitioner's organization nor they are in any way connected with the petitioner's organization. The petitioners contend that the private respondents are misrepresenting themselves as the members of the petitioner and are collecting money and obtaining permission.

The petitioner refers to the minutes of the meeting held on 3rd November, 2023 in the office chamber of the Superintendent of Police, Hooghly (Rural) as per the High Court's order dated 1st November, 2023 passed in *WPA 25829 of 2023*. The representative of the petitioner and the private respondents attended the meeting.

In the meeting the private respondents mentioned that they have a separate organization named Majhi Pargana Development Trust. The said Development Trust is different from the organization of the petitioner. It was resolved in the meeting that the private respondents could organize any programme in the name of the Development Trust but not in the name of the petitioner.

The petitioner submits that despite the resolution adopted in the meeting held in the office chamber of the Superintendent of Police, the private respondents are deliberately flouting the said decision and they are again collecting money and donation and are illegally obtaining permission in the name of the petitioner.

Learned senior counsel representing the State respondents has produced a copy of the permission given in the name of the petitioner in the district of Bankura for holding programme and for using loud speakers on 30th and 31st March, 2024 at Amdanga from 8am to 9.30pm.

As there is hardly any time left before 30th March, 2024 to allow the Court to decide the issue, accordingly, the Court directs the Block Development Officer/Competent Authority, Gangajolghati, Bankura District to review the permission which has been granted in favour of Bhim Chandra Murmu, the private respondent no.5 herein as representative of Bharat Jakat Majhee Pagana Mahal, Bankura.

An opportunity of hearing shall be given to the writ petitioner and to the respondent no.5 prior to taking any decision in the matter.

At the time of consideration of the matter, the Block Development Officer shall take note of the minutes of the meeting dated 3rd November, 2023 held in the officer chamber of the Superintendent of Police, Hooghly (Rural).

The decision taken shall be communicated to the parties.

The Block Development Officer shall decide the matter at the earliest but positively before the programme scheduled to be held on 30th and 31st March, 2024.

The Inspector-in-Charge, Gangajolghati Police Station is directed to conduct an enquiry with regard to the collection of donation and money by the private respondent no.5 in the name and under the banner of the petitioner.

If it reveals that money has been collected in an illegal manner, then necessary steps shall be taken in accordance with law against the person responsible for such act.

The instruction forwarded by the Inspector-in-Charge, Gangajolghati Police Station be retained with the records.

The minutes of the meeting held on 3rd November, 2023 be also retained with the records.

The writ petition stands disposed of.

All parties are directed to act on the basis of the server copy of the order available in the official website of this Court.

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

(Amrita Sinha, J.)