

13 19.04.2024
NB Ct. 14

WPA 11155 of 2024

Jeet Bose
Vs.
The State of West Bengal & Ors.

Mr. Pralay Bhattacharjee,
Mr. Gouranga Das,
Mr. Sankar Prasad Dalapati,
Mr. Tirtha Pati Acharya,
Ms. Tanushree Ghosh,
Mr. Chandan Kumar Das,
Mr. Rishiraj Mohanty,
Mr. Komal Shaw.
...for the petitioner.

Mr. Swapan Kumar Banerjee, Id. AGP.,
Ms. Sumita Shaw.
...for the State.

Mr. Alak Kr. Ghosh,
Mr. Arijit Dey.
...for the KMC.

Report filed on behalf of the State is taken on record.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner seeks to hold a Puja on the occasion of Hanuman Jayanti on 23rd April, 2024 and 24th April, 2024 at the street opposite to Agradoot Club towards Sishubharati Ground beside premises no.112, Harisava Math, Ward No.112, Police Station-Bansdrani, Kolkata-700070. He has applied for permission from the police. But, till date no formal permission has been granted. Earlier, in a similar situation by an order dated 05.04.2023 passed by a coordinate Bench of this Court in *WPA 8294 of 2023*, this Court was

pleased to grant permission to hold Puja to the petitioner in the year, 2023 subject to certain conditions. The petitioner has also applied for necessary permission from the Kolkata Municipal Corporation authorities.

Learned counsel appearing on behalf of the Kolkata Municipal Corporation submits as follows. So far as the structure of the pandal is concerned, there is no objection on the part of the Kolkata Municipal Corporation. Necessary levy has to be paid to the Kolkata Municipal Corporation for such purpose to obtain a formal permission. However, if a procession is taken through the route, necessary arrangements have to be done by the police to ensure safety and security.

Learned senior counsel appearing on behalf of the State relies on the report dated 18.04.2024 and submits as follows. The writ petition has been filed on mere apprehension. It is categorically stated that the police authorities do not have any objection against the petitioner for organising the proposed Puja and procession at the venue subject to permission from higher authority and the owner of the place of the venue i.e., the Kolkata Municipal Corporation.

It appears that the police authorities and the Kolkata Municipal Corporation do not have any objection to the petitioner's prayer. However, necessary charges have to be paid to the Kolkata Municipal Corporation for obtaining a formal "no objection".

Let the petitioner hold the puja and the procession as prayed for between 23rd April, 2024 and 24th April, 2024 subject to the following conditions.

- (i) The petitioner shall obtain necessary permission/"no objection" from the fire authorities, if required, and from the Kolkata Municipal Corporation by paying necessary fees during the festival and the procession.
- (ii) There shall be no incitement to violence by the organizers or the participants.
- (iii) The participants shall also comply with the pollution norms including the sound norms.
- (iv) The participants shall not carry real arms in the procession.
- (v) The petitioner shall also clean up the area after completion of the Puja.

The police authorities, on their part, shall ensure that they deploy adequate number of police personnel to provide security to the participants in the Puja and the procession. They shall also see to it that no harm ensues either to the participants or to the local residents and passersby.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

