

30.10.2024
Sl. No.1
akd/AP

W. P. A. 15028 of 2024

[Bengal Lamps Limited -Vs- The State of West Bengal & Ors.]

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Ms. Sagnika Banerjee
... .. for the petitioner

Mr. Naba Kumar Das
Ms. Diana Ghosh Dastidar
Mr. Arindam Banerjee
... .. for respondent no.2
[KMDA]

Mr. Gopal Chandra Das
... .. for the KMC

Ms. Sabnam De Bardhan
Ms. Rupsha Chakraborty
Ms. Amrita Tewari
... .. for the State

1. Reports submitted by the Officer-in-charge, Jadavpur Police Station as well as KMDA are kept with the record.
2. The writ petitioner is aggrieved regarding usage of the water body within the premises and under the ownership of the petitioner company for the purpose of '*Chhath Puja*'. It is stated that the water body within the premises of the petitioner company has been used unauthorisedly without the permission of the petitioner for the last few years for the purpose of '*Chhath Puja*', for which the water body has got polluted immensely.
3. Learned Advocate for the petitioner indicates that without any fault of the petitioner for causing such pollution of the water body, a case under Section 496A of the Kolkata Municipal Corporation Act has already been initiated by the Kolkata Municipal Corporation, against the petitioner.

4. Learned Advocate for the petitioner seeks relief that no 'Chhath Puja' is held this year within the premises of the petitioner company.

5. All parties are represented.

6. On perusal of the documents annexed with the writ petition it appears that on previous two years the KMDA published advertisement indicating the premises of the petitioner company to be an earmarked place for conducting 'Chhath Puja'. That is however, otherwise this year, as transpires from the report of the Executive Engineer, BPPD-I, E&AM Sector, KMDA dated 29.10.2024. The report speaks as follows :-

"In compliance of the order dated 28/10/2024 passed by the Hon'ble High Court at Calcutta in respect of the abovementioned matter this is to state that KMDA will not issue any notification regarding performance of any religious festival/Chhath Puja for this year over the water body of the petitioner. KMDA shall also not issue any such notification regarding performance of any religious festival/Chhath Puja in the coming years without permission of the petitioner."

7. On consideration thereof the Court finds that the writ petition has become infructuous since the KMDA has not intended to notify the premises of the petitioner this year for conducting 'Chhath Puja'.

8. Therefore, the writ petition is disposed of being infructuous, without any order as to costs.

9. All parties shall act on a server copy of this order duly downloaded from the official *website* of this Court.

(Rai Chattopadhyay, J.)