

Sl.189
30.09.2024
S. Gayen
ct.no.7

W.P.A. 22606 of 2024
(Assigned)

Shishir Mal & Ors.
Versus
State of West Bengal and Ors.

Mr. Sourav Kumar Mukherjee
Mr. Kaushik Chowdhury
Ms. Sahana Pal
...for the petitioners.

Mr. Ayan Banerjee
Mr. Suman Banerjee
...for the Respondent No. 7.

Mr. Suman Sengupta
Mr. D. Basu Mallik
...for the State Respondents.

The petitioners submitted a representation before various authorities including the Sub-Divisional Officer, Rampurhat, Birbhum praying for permission for holding Durga Puja for this year (2024). The learned advocate appearing for the petitioners draws the attention of this Court to an order dated September 29, 2024 passed by a Coordinate Bench in WPA 22736 of 2022. After going through the said order this Court finds that the petitioners approached this Court by filing WPA 22736 of 2022 praying for a direction upon the Block Development Officer, Rampurhat to consider and dispose of the representation made by the

petitioners for celebrating the Durga Puja. The petitioners claim that the petitioners used to celebrate the Durga Puja exclusively in the property which is exclusively owned by the petitioners.

The learned advocate appearing for the private respondent submits that the petitioners are not the exclusive owners of the property in question. The petitioner No.1 along with some others gifted the property in favour of Dyamedda Sarbojonin Toposhil Palli Unnayan Samity being the petitioner No.6 herein. Mr. Banerjee submits that the members of the village are performing the Durga Puja in the said property for the last few years.

The learned advocate appearing for the State submits that pursuant to the order dated September 29, 2022 passed in WPA 22736 of 2022 the Sub-Divisional Officer passed an order on September 30, 2022. In the meeting conducted at the office of the Sub-Divisional Officer, a committee was formed under the name and style as “Dyamedda Sarbojonin Samannya Durga Puja Committee” consisting of some members and they were directed to conduct only one puja in Dyamedda Village outside the temple in a

temporary pandal in the year 2022 and also for the next year, 2023. It is not in dispute for the years 2022 and 2023, the Durga Puja was celebrated by the said Puja Committee constituted by the Sub-Divisional Officer outside the temple by constructing a temporary pandal.

Since a representation has been submitted by the petitioners before the Sub-Divisional Officer vide a letter dated August 23, 2024, this writ petition is disposed of by directing the Sub-Divisional Officer, Rampurhat being the 2nd respondent to consider the said representation of the petitioners dated 23rd of August, 2024 and to pass a reasoned order after giving an opportunity of hearing to the petitioners, private respondent and any other interested persons.

Mr. Sengupta, learned advocate for the State, on instruction, submits that the Sub-Divisional Officer shall convene a meeting with the petitioners, private respondent and interested persons on 3rd of October, 2024 at 3 pm. The date and time has been fixed with the consent of the learned advocates representing the petitioners and the private respondent.

In view thereof there will be no necessity to issue any further notice of hearing upon the

petitioners and the private respondent. The Sub-Divisional Officer shall communicate the reasoned order to the petitioners and private respondent immediately thereafter. The Sub-Divisional Officer shall keep in mind the date of commencement of the Durga PUja in this regard.

Since affidavits have not been called for the allegations in the writ petition shall not be deemed to have been admitted. The parties will be at liberty to communicate the gist of the order to the Sub-Divisional Officer.

With the above observations and directions the writ petition stands accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)