

27.09.2024
Court No.09
Item no.15
CP

WPA No. 22628 of 2024

Partha Pratim Nandi
Vs.
The State of West Bengal & ors.

Mr. Suman Kumar Dutt
Mr. Sagnik Chatterjee
Mr. Sakabda Roy

....for the petitioner.

Mr. Joydeep Banerjee
Mr. Tapan Kumar Ray

....for the State.

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das
Mr. Ishan Bhattacharya

.....for the private respondent.

The petitioner's mother is an octogenarian and has been suffering from certain illnesses. The details of such ailments have been placed by way of medical prescriptions and discharge certificates.

The puja committee holds the puja in front of the petitioner's house since long. The permission for such puja has been granted by the shebait of the concerned debutter property. All this while the petitioner did not have any objection, but due to the recent illness of his mother, the petitioner prays that the police authorities may be directed to shift the 'pandal' in such a way that ingress and egress of an ambulance to and from the house of the petitioner is

possible, through the land on which the puja is being held.

The police report available before this court also confirms that a three feet passage has been left by the committee from the gate of the petitioner, but the same was not adequate for ingress and egress of an ambulance, in case of emergency. The report further states that the said entrance leads to the main road and the petitioner had been using the said entrance since long.

Mr. Mukherjee, learned advocate for the puja committee, opposes the prayer and submits that there is an alternative route. It is also submitted that a civil suit is pending where a declaration has been prayed for by the petitioner with regard to the passage on which the puja is being held.

The police report indicates that the puja committee has already left a three-feet wide passage. Thus, this court is of the view that on humanitarian consideration, such passage should be widened by six feet.

The puja committee's right to perform the puja or the shebait's right over the property are not being adjudicated in this proceeding. Based on the police report, this order is being passed as it is stated that the said passage on which the puja is being held is used by the petitioner to access the main road.

It is made clear that after the puja is over, the pandal should be dismantled by October 18, 2024 and all materials used for the structure shall be removed.

The police authorities shall supervise such activity.

This order is being passed not by rejecting Mr. Mukherjee's claim of an alternative route, but as a precautionary measure in case of medical emergency. This order does not amount to declaration of any easementary right or any other kind of right either in favour of the petitioner or his mother.

This order shall not prejudice the suit, or affect the proceedings in any way.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)