

20.09.2024
Sl. No.3
Ct. No.15
S.A.

WPA 23441 of 2024

Kalyan Samity & Anr.

-vs-

State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Indranil Munshi

Mr. Sayantan Kar

...for the petitioners

Despite service, Maheshtala Municipality remains unrepresented. The petitioners express their grievance regarding the Municipality's decision, communicated by a letter dated September 11, 2024, which denied permission to perform Durga Puja and Kali Puja at a children's park located in Ward No. 16, Maheshtala Municipality, 24 Parganas (South).

The petitioners submit that they have been conducting these religious festivities at the site for the past 70 years.

The petitioners' learned advocate submitted that last year, the petitioners sought permission from this Court to continue their tradition of celebrating Durga Puja and Kali Puja.

A Coordinate Bench of this Court passed an order on October 11, 2023, in WPA 23643 of 2023, permitting the petitioners to perform Durga Puja at a corner of the park for that year only. The Court noted the Municipality's intention to construct a community

hall at the premises and directed the petitioners to ensure the peaceful and vacant possession of the plot was returned to the Municipality by October 31, 2023.

Subsequently, the classification of the land was changed from a children's park to a community hall. This conversion was challenged through a Public Interest Litigation (WPA (P) 542 of 2023), which led to an interim order issued on November 20, 2023, passed by a Division Bench of this Court presided by the Hon'ble Chief Justice. The order prohibits the authorities from altering the physical characteristics of the land in question and directs that no construction shall occur on the site until further order from the Court.

Given that the classification conversion has been stayed by a Division Bench of this Hon'ble Court, the Municipality cannot proceed with the construction of the community hall. Consequently, it is appropriate that the Municipality allows the petitioners to perform Durga Puja and Kali Puja this year, as they did in the previous year.

Accordingly, this writ petition is hereby disposed of with a direction upon Maheshtala Municipality to allow the petitioners to conduct Durga Puja and Kali Puja this year. The Municipality is further directed to provide all necessary assistance to facilitate these celebrations.

With the aforementioned directions, **WPA 23441 of 2024** is allowed.

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

(Kausik Chanda, J.)