

Sl. No.07
25.09.2024
Suman
Ct. 15

WPA 24382 of 2024

Mr. Biswanath Dey
Vs.
The State of West Bengal and Ors.

Mr. Soumyajit Bhatta
Ms. Mita Bag
..for the petitioner

Mr. S. P. Dalapati
Mr. Pritam Chowdhury
Mr. D. N. Maity
Mr. A. Santra
Mr. S. Dewan
Mr. M. Saha
..for respondent nos.9 to 12

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
..for the State

The descendants of the late Bhuban Chandra De are in contention with one another, each claiming ownership of the property formerly owned by him. The petitioner, one of the legal heirs of the late Bhuban Chandra De, has filed this writ petition against respondents Nos. 9 to 12, who are also descendants and legal heirs of the deceased.

It is an acknowledged fact that the petitioner and the respondents previously partitioned the property inherited from Bhuban Chandra De through an amicable settlement. However, it appears that this family

settlement has not resolved the disputes permanently, as the parties are now litigating before this Court regarding the performance of 'Durga Puja' at the premises in question.

It is undisputed that last year, 'Durga Puja' was conducted under a disputed structure, which the petitioner claims is a godown under his possession. In contrast, the respondent nos.9 to 12 assert that the structure belongs to their share of the property and was constructed by them.

Additionally, Title Suit No. 414 of 2024 filed by the petitioner is pending before the Civil Judge (Junior Division), Second Court, Paschim Medinipur, concerning the disputed structure. An application for an injunction related to this property has also been filed, but it was not allowed by the Civil Court.

There is no scope within this writ petition to adjudicate the rights of the parties. This Court is primarily concerned with the performance of 'Durga Puja' this year, as has been done in previous years. It is undisputed that 'Durga Puja' has been performed at the said premises since 2021. It is expected that the petitioner and respondents Nos. 9 to 12 will conduct the festival together in a spirit of joy and festivity. The rights of the parties in the civil suit and the ownership of the disputed structure will be determined by the competent Civil Court. Until such disputes are resolved by a decree

of the Civil Court, the parties should jointly conduct 'Durga Puja' in a congenial atmosphere.

It appears that there are five families descended from the late Bhuban Chandra De. Respondent No. 9, however, claims that 'Durga Puja' is being performed solely at his expense. Regardless of this assertion, respondent No. 9 shall allow other family members to participate in the rituals to maintain the festive spirit.

This order is passed without prejudice to the rights and contentions of the parties in the pending Civil Court. The Officer-in-Charge of the local police station will ensure that both 'Durga Puja' and 'Kali Puja' are performed peacefully at the disputed premises.

Accordingly, **WPA 24382 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)