

ADSL.2.
October 8, 2024.
MNS.

WPA No. 25124 of 2024

Amalendu Bikash Dutta
Vs.
The State of West Bengal and others

Mr. Manojit Bhattacharyya,
Mr. Falguni Bandyopadhyay

... for the petitioner.

Mr. Dipanjan Datta,
Mr. Nilotpal Chatterjee,
Ms. Sukanya Dutta

...for the State.

This Court by an order dated October 5, 2024, directed the Sub-Divisional Officer, Baruipur and the Inspector-in-Charge of Narendrapur Police Station to communicate their decisions pursuant to the application submitted by the petitioner for performing the Durga Puja for this year (2024) near 45A/B Bus Stand.

The learned Advocate appearing for the petitioner submits that at the time when the petitioner went to the Office of the Sub-Divisional Officer, Baruipur to communicate the order dated October 5, 2024, the petitioner was supplied the copy of the Memo No. 428 dated October 4, 2024 granting permission in favour of the petitioner to perform the Durga Puja for this year at the aforesaid location.

The learned Advocate appearing for the petitioner submits that thereafter the Sub-Divisional Officer, through electronic mail of the petitioner communicated the Memo No. 2089 dated October 6, 2024, thereby cancelling the permission granted in favour of the petitioner.

The initial order granting permission for organizing the Durga Puja and the subsequent order of cancellation of the same has been brought on record by the petitioner by way of a supplementary affidavit, which is taken on record.

A copy of such supplementary affidavit has already been served on Mr. Datta, learned Advocate for the State.

Mr. Datta, learned Advocate appearing for the State submits that the Inspector-in-Charge of Narendrapur Police Station by a letter dated October 5, 2024 requested the Sub-Divisional Officer, Baruiapur, to cancel the permission accorded by the Sub-Divisional Officer on certain grounds as mentioned in the said letter. He submits that considering the reasons stated in the said letter, the Sub-Divisional Officer cancelled the permission.

It is not in dispute that the petitioner was not given any opportunity of hearing prior to cancellation of the permission. When the Sub-Divisional Officer granted permission in favour of

the petitioner for organizing the Durga Puja, right accrued in favour of the petitioner and such right could not have been taken away without giving an opportunity of hearing to the petitioner. Several grounds were raised by the Inspector-in-Charge of Narendrapur Police Station in the letter dated October 5, 2024 addressed to the Sub-Divisional Officer, but the Sub-Divisional Officer while cancelling the permission took note of the fact that the petitioner has not conducted Durga Puja earlier at the said place and the place is a very congested one and there is no place for erecting Durga Puja pandal and also that there are so many hawkers doing their business since long at the said place.

The learned Advocate appearing for the petitioner submits that all arrangements have been made for organizing the Durga Puja save and except erection of the pandal.

This Court finds that when the Sub-Divisional Officer granted permission in favour of the petitioner, the Sub-Divisional officer ought to have afforded an opportunity to the petitioner to controvert the grounds on which cancellation of the prayer for permission was sought.

This Court, therefore, holds that the principles of natural justice has been grossly violated in the case in hand.

Accordingly, the order cancelling the permission for performing Durga Puja vide Memo No. 2089 dated October 6, 2024 stands set aside and cancelled. Consequently, the permission granted by the Sub-Divisional Officer vide Memo No. 428 dated October 4, 2024 stands revived.

However, the petitioner shall be obliged to hold the Durga Puja strictly in terms of the conditions mentioned in the Memo No. 428 dated October 4, 2024.

The learned Advocate appearing for the petitioner, on instructions from the petitioner, who is present in Court today, submits that the pandal will be dismantled on October 14, 2024. Such submission of the learned Advocate appearing for the petitioner is placed on record.

The Inspector-in-Charge of Narendrapur Police Station is directed to render assistance to the petitioner for the purpose of organizing the Durga Puja in terms of the permission granted by the Sub-Divisional Officer, Baruipur, vide Memo No. 428 dated October 4, 2024.

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

There will be no order as to costs.

Photostat certified copy, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)