

08.10.2024
Item No. SL.1
PG/S.Banerjee
Ct. No.1

W.P.A. 25331 of 2024
Sarbojanin Saradutsab Pana
Dakshin Pally Yuba Brinda & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pingal Bhattacharyya
Mr. Rajdeep Sinha
Mr. Sankha Biswas.....for the petitioners

Mr. Jayanta Samanta
Ms. I. Banerjee.....for the State

1. This matter had been filed before the learned Single Bench praying for issuance of a writ of mandamus to allow the writ petitioners to organise Durga Puja in the year 2024, which is being organised by Sarbojanin Saradutsab Pana Dakshin Pally Yuba Brinda at Village: Pana, P.O.-Doro Joynagar, P.S.-Durgachak, Haldia, District-Purba Medinipur.
2. The matter was listed before the learned Single Bench as item no. 17 today (October 8, 2024). However, the learned Single Bench has released the matter and the order is awaited.
3. Learned advocate appearing for the writ petitioners mentioned before this Court and pursuant to the directions of the Chief Justice, the matter is taken up by this Court. The writ petitioners faced a similar problem while organising puja in the year 2023. The police denied permission on the ground

that criminal cases were pending on account of rivalry between the puja committee members.

4. The learned advocate for the petitioners has produced before us, the copy of the judgment passed by the learned Judicial Magistrate, Purba Medinipur, Haldia in G.R. Case No. 2393 of 2022 dated March 5, 2024 by which the petitioners/members of the puja committee have been acquitted of the charge.
5. The petitioners had approached this Court earlier by filing a writ petition in W.P.A. 25402 of 2023, which was disposed of by order dated October 18, 2023 permitting the conduct of the puja, subject to certain conditions. The operative portion of the order is as follows:

“Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been organizing Durga Puja at the venue in question for the last 10 years. This year all necessary permissions have been taken like from the electricity authorities. Even the SDO has granted permission. But the police refused to grant permission, purportedly on the ground that last year, some members of Puja Committee committed mischief and fought with the members of the other Puja Committee during immersion of idle. An FIR was

registered and a charge sheet had to be submitted.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. No permission has actually been granted by the SDO. The prayer was only forwarded to the police authorities, that too on imposition of certain conditions.

It is not denied that the petitioners have been conducting the Puja for the last ten years. If some of the members of the Puja Committee got involved in a brawl with the other side last year, they have to face the consequences for the same. However, the puja organizers should ensure that no such incident is repeated.

The conditions imposed by the SDO shall be fulfilled by the organizers.

Subject to these, let the organizers conduct puja at the venue in question in accordance with the norms that usually apply. Let the Puja Committee not involve the persons who were made accused in the last year's incident as participants/organizers for this year.

The police authorities shall ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy downloaded from the official website of this Court.

Learned Advocate-on-Record for the petition shall be at liberty to intimate a gist of this order to the concerned authorities.”

6. Considering the fact that the puja committee members have been acquitted of the criminal charge and also recording their undertaking before this Court that they shall ensure that there shall be no quarrel or brawl among the members of the said puja committee or any other committee and the organisers shall ensure that no untoward incident happens during the puja, we direct that in the event it occurs, there will be a blanket ban on the writ petitioners/organisation for conduct of puja in that particular locality eternally.
7. Subject to the above, the authorities shall grant permission to the writ petitioners to conduct the puja and the petitioners should abide by the conditions, which may be imposed by the SDO and all the committee members shall submit a notarised affidavit undertaking to scrupulously follow the observations passed by the learned Single Bench of this Court in the earlier writ petition as well as in this writ petition and undertake full responsibility for the peaceful conduct of the puja.

8. Learned advocate-on-record of the petitioners is at liberty to intimate the gist of the order to the concerned authorities.
9. Needless to state, that the permission to be granted will be subject to the conditions, which the petitioners have to fulfill.
10. With the aforesaid observations/directions, the writ petition is disposed of.
11. No costs.
12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)