

Item No.5
29.10.2024
Court. No. 3
GB/srm
(Vacation Bench)

W.P.A. 26234 of 2024

Basudeb Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Subhas Chandra Saha
...for the Petitioners.
Mr. Somnath Ganguli,
Ms. Sangeeta Roy,
Ms. Amrita Tewari
...for the State.
Mr. Purnendu Das,
Mr. Meghanil Manna
...for the Respondent Nos.6 to 9.

The present writ petition has been preferred by co-sharers praying for conducting the Kali Puja this year in the Kali temple and also to carry out all connected work relating to the said puja without any disturbance or obstruction by the respondents who are also co-sharers in the property.

The respondents have relied upon an order of coordinate Bench dated 09.06.2023, wherein the Court had directed the parties to pray for necessary leave before the civil courts where the suits between the parties are pending. It is submitted that till date the said suits are pending.

It appears that subsequently by two orders dated 20.10.2022 and 08.11.2023 on consent of the parties the Kali puja was conducted in presence of the special officers appointed by the Court.

The learned counsel for the respondent nos.6 to 9 submits that this year they are not consenting to such proposition and states that they will conduct the puja.

Considering the fact that the dispute between the parties is before the civil court and that for the last two years Kali puja has been conducted in the presence of the special officers, the parties should be permitted to conduct the Kali puja by maintaining peace with each other at least while conducting religious ceremonies.

The learned counsel for the respondent nos.6 to 9 submits that they cannot afford the fees of the special officer.

Accordingly, Mrs. Mohuya Dutta Biswas, learned counsel is appointed as the special officer in whose presence the said puja shall be performed by all the co-sharers jointly and by maintaining peace in presence of the special officer. The special officer shall be at liberty to approach the local police station in case she deems it necessary.

500 GMs as fees be paid to the special officer by the parties jointly.

The report filed by the learned counsel for the State be kept with the record.

Accordingly, the writ petition stands disposed of.

Parties are directed to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

[Shampa Dutt (Paul), J.]