

29.10.2024

Sl. No.83

Court No.3
PP/BM

WPA 26487 of 2024

Swapan Metia

vs.

The State of West Bengal & Ors.

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Swati Dey

... for the petitioner

Mr. Vimal Kumar Shahi

Mr. Biplab guha

Mrs. Mohuya Dutta Biswas

... for the State

1. The writ petition has been preferred praying for direction upon the respondent authorities to permit the petitioner to hold Shyama Puja without any disturbance from the Police or public authority.

2. It is submitted on behalf of the writ petitioner that in spite of being permitted by a competent civil court, being the learned Civil Judge, Junior Division, 1st Court, Uluberia. (In the present case Title Suit No.473 of 2023), the Police authority are not permitting the writ petitioner to proceed with the preparation of the said Shyama Puja and thereby organising the said Puja.

3. A report has been submitted as directed through the learned counsel for the State.

4. Perused the report.

5. It is understood that whenever a public programme is organised the responsibility lies with the

administration which includes the Police authority and if any untoward incident occurs, the said authorities are held liable. It is thus, the requirement that necessary clearance has to be obtained from the authority concerned including the Police authority who are responsible for maintaining the law and order of the said area.

6. In the present case the Police is aware that an order of civil court is in existence granting permission to the writ petitioner to conduct Shyama Puja but presently there is a pending Police case which has ended in a charge sheet on 31.07.2023 for offence punishable under Sections 447/323/307/506/34 of the Indian Penal Code.

7. The matter is still subjudice. It is specifically reported by the Police that a tension is prevailing over the issue of conducting the puja on the disputed land.

8. Learned counsel for the writ petitioner submits that in the year 2023 Shyama Puja was conducted by the writ petitioner.

9. Learned counsel for the State submits that it is admitted that puja was conducted but not on the disputed land.

10. Considering the fact that as the Police apprehend trouble and problem with law and order in respect of the conducting of the puja on the disputed land which is subjudice before the civil court wherein the order to conduct shyama puja has been allowed by the civil

court, but the civil court has granted permission on the condition that that necessary permission shall be obtained and all legal formalities shall be complied with.

11. The plaintiffs/petitioners have also been directed to obtain necessary permission from the appropriate authorities. As such apprehension of the Police in the present case cannot be ignored as the order of the civil court also directs for such permission.

12. Accordingly, the petitioner may conduct Shyama Puja on any other **appropriate undisputed spot** subject to the clearance by the administration including the Police authorities.

13. Report be made part of the record.

14. Writ petition is accordingly disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(**Shampa Dutt (Paul), J.)**