

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 26317 of 2023

**Chandrasekhar Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharya, Sr. Adv.
Mr. Sabyasachi Mukhopadhyay.
Ms. Koushikee Banerjee.
Ms. Oindri Mukherjee.
Ms. Diya Chowdhury.
... For the petitioner.**

**Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu.
... For the State.**

None represents the private respondents.

The shebait of the deity are before the Court. Attention of the Court has been drawn to two decrees passed by the learned Civil Court declaring right, title and interest of the deity and its shebait in the subject property.

The petitioners submit that despite declaration of their right, title and interest and despite an order of injunction passed by the learned Court restraining the defendants from transferring any portion of the scheduled property and from interfering with the deity's peaceful possession in the scheduled property, the petitioners are being harassed and not being allowed to enjoy the relief granted by the learned Civil Court.

The petitioners approached this Court by filing an earlier writ petition being WPA 4159 of 2021 praying for police protection so that the right, title and interest of the deity in respect of the debuttar property is

preserved. The Court vide order dated 2nd August, 2022 disposed of the writ petition by directing the Officer-in-Charge, Monteswar Police Station to ensure that law and order is maintained and no untoward incident takes place. The Court directed the police to maintain sharp vigil. Liberty was granted to the petitioners to approach the Superintendent of Police with request for police posting at their own costs, if situation so arises.

As the regular rituals of the deity being performed by the shebait were interfered with by the private respondents, the petitioners approached the Superintendent of Police in compliance of the leave granted by the Hon'ble Court. The prayer made by the petitioner for police camp has been turned down.

The order passed by the Superintendent of Police, Purba Bardhaman on 30th January, 2023 is impugned in the present writ petition.

The petitioners submit that the regular puja of the deity cannot be held because of the illegal interference by the private respondents.

Prayer has been made for a direction upon the police authority to provide protection to the deity and the shebait for performance of the regular rituals and for proper enjoyment of the subject property in terms of the order passed by the learned Civil Court.

Learned advocate representing the State respondents submits that the police will take necessary steps in accordance with law and in compliance of the direction passed by the Court.

Upon hearing the parties and upon perusal of the materials on record, it appears that the right, title and interest of the deity has already been declared by the learned Civil Court.

In the earlier writ petition, the Court directed the police to maintain strict vigil and to ensure that law

and order is maintained and no untoward incident takes place.

It appears that the Superintendent of Police conducted a field enquiry through a senior police officer and it came to be established that a police camp would be needed to ensure peaceful possession upon the suit property. However, despite arriving at a finding that a police camp would be needed, the Superintendent of Police thought it prudent not to set up a police camp there without any valid order of any competent authority.

As the police enquired the matter and the Superintendent of Police was of the opinion that a police camp would be needed to ensure peaceful possession upon the suit property, accordingly, the police is directed to do the needful and ensure that the order passed by the learned Civil Court is strictly complied with and the private respondents do not interfere with the enjoyment of the property by the deity.

As per the finding arrived at by the Superintendent of Police, let a police camp be set up in a convenient place so that the petitioners may get the benefit of the order passed by the Court.

The petitioners shall pay the necessary costs for the police camp as per the assessment made by the Superintendent of Police in accordance with law.

It is made clear that the police camp will be set up only for a limited period and may be removed only after satisfaction of the Superintendence of Police that there is no further requirement to continue with the same.

The Superintendent of Police shall assess the number of officers required to man the police camp and assess the charges for the same within a period of 48 hours from the date of communication of this order.

Upon payment of the charges so assessed, the camp shall start functioning.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)