

D/L. 16.  
January 10, 2024.  
MNS.

WPA No. 27822 of 2023

Sri Shib Sandip Chakraborty and others  
Vs.  
The State of West Bengal and others

Mr. Shibendra Nath Chattopadhyay

... for the petitioners.

Ms. Sonal Sinha,  
Mr. Avishek Prasad

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. The report filed by the State today also be kept on record.
3. The petitioners have sought for a direction on the concerned District Magistrate to consider a representation given by the petitioners.
4. It transpires from the representation annexed at page 39 of the writ petition that, according to the petitioners, the forefathers of the petitioners were performing a *Kali Puja* for more than 75 years. The same is sought to be perpetuated by the present petitioners and certain directions were asked for from the S.D.E.M. on such score. On the S.D.E.M.

having refused to be given such directions, the representation was made to the District Magistrate, Malda.

5. Learned counsel appearing for the respondent authorities submits that the representation is by way of a complaint against the S.D.E.M. before the District Magistrate and cannot be entertained.
6. On perusal of the pleadings in the writ petition and the nature of representation, it transpires that the petitioners are seeking to assert their rights on the basis of a purported trust/religious endowment.
7. As such, the remedy of the petitioners lies in seeking proper direction/arrangement regarding the said trust before the concerned civil court having jurisdiction.
8. Hence, WPA No. 27822 of 2023 is disposed of by granting liberty to the petitioners to approach the competent civil court having jurisdiction with the issues as raised in the present writ petition pertaining to necessary directions in favour of the petitioners with regard to administration and functioning of the trust-in-question.
9. There will be no order as to costs.

10. Urgent photostat certified copies of this order,  
if applied for, be made available to the parties  
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)