

13-03-2025
Item No.2
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5624 of 2025
Shantanu Thakur & Ors.

-VS-

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya, **sr. adv.**
Mr. Rajdeep Mazumder, **sr. adv.**
Mr. Moukh Mukherjee, **adv.**
Ms. Aishwarya Bazaz, **adv.**
Ms. Sagnika Banerjee, **adv.** ...for the petitioners

Mr. Suman Sengupta, **adv.**
Ms. Amrita Panja Moulick, **adv.** ...for the State

Mr. Asim Hati, **adv.**
Ms. Nandini Sharma, **adv.**
Mr. Antariksha Karmakar, **adv.**
Ms. Barnali Dey, **adv.** ...for the Zilla Parishad

1. The petitioners in this writ petition pray for a direction upon the respondents to grant permission to hold the Matua Dharma Maha Mela on and from March 27, 2025 (wrongly mentioned as March 27, 2024), in favour of All India Matua Mahasangha.
2. An application for obtaining licence of holding such fair was made on February 27, 2025 before the Secretary of the North 24 Parganas Zilla Parishad. The allegation is that the same has not been considered by the concerned authority till date.
3. The matter was taken up for consideration by this Court on March 11, 2025; and upon hearing the parties, the Court directed the learned advocates

for the State to obtain instruction as to whether permission for holding such fair was granted in favour any other person or authority.

4. Today, the learned counsel for the State hands over the instructions forwarded by the Additional Executive Officer of the Zilla Parishad wherefrom it appears that the licence for holding the fair in Form 29 has been allowed by the Additional Executive Officer, North 24 Parganas Zilla Parishad on March 10, 2025. The form of licence records that licence for holding the fair is granted under Section 26 of the West Bengal Zilla Parishads Act, 1963.
5. The instructions further mentions that as the application filed by the petitioners was not backed up by supporting documents, accordingly, the same could not be considered. As a separate application was already pending consideration before the authority along with all supporting documents, the same was considered and the licence was granted.
6. On a perusal of the licence, it appears that the same has been granted under the provisions of the West Bengal Zilla Parishads Act, 1963.
7. According to Section 21 of the West Bengal Panchayat Act, 1973, the provisions of the West Bengal Zilla Parishads Act, 1963 stand repealed with effect from the date of coming into Zilla Parishad under sub-section (3) of Section 140 of the West Bengal Panchayat Act, 1973.
8. In the present case, the licence has been issued under the provisions of law which has been repealed on account of coming into effect the West Bengal Panchayat Act, 1973.

9. Therefore, any licence issued under the repealed provision of law cannot be acted upon. The licensee cannot use the said licence for holding the subject fair.
10. It appears that the application of the petitioners is pending consideration before the Zilla Parishad. Hence, the Additional Executive Officer of the North 24 Parganas Zilla Parishad is hereby directed to consider the petitioners' application made on February 27, 2025 in accordance with law, after giving an opportunity of hearing to all the necessary parties, and dispose of the same by passing a reasoned order, either to allow or to reject the prayer of the petitioners for grant of licence. Such decision shall be taken by the aforesaid respondent at the earliest but positively by March 19, 2025. The decision once given shall be communicated immediately thereafter.
11. If any other application for holding the said fair is pending consideration at the end of the Zilla Parishad, the same shall also be considered analogously.
12. The writ petition stands disposed of.
13. Instructions forwarded by the State be taken on record.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

