

25.03.2025  
Item No.12-13  
Ct. No.01  
RP/SM

**WPA 1213 of 2017**

**Subhasis Choudhury  
Vs.  
State of West Bengal & Ors.**

**With**

**WPA 5764 of 2017  
+  
IA No.CAN 1 of 2025  
Biplab Chatterjee  
Vs.  
State of West Bengal & Ors.**

Mr. Anindya Lahiri, Sr. Adv.  
Mr. Samrat Dey Paul  
....For Petitioner in WPA 5764 of 2017

Mr. Jahar Lal De  
Mr. Swapan Banerjee  
Mr. Nilotpall Chatterjee  
Mr. Debapriya Chatterjee

...For State

1. These two writ petitions have been filed as public interest litigation. The petitioner in WPA 1213 of 2017 has prayed for a direction upon the authorities, particularly, the respondent nos.6 to 8, to cancel the proposal for converting Tarapith Maha Crematorium into an amusement park. The other prayers sought for in the writ petition are also incidental and ancillary to the said prayer. WPA 5764 of 2017 has been filed by a political functionary, who is stated to have been elected as a member of Gram Panchayat in 2013 Election and further elected as Upa-Pradhan

of the said Gram Panchayat and in the said writ petition the petitioner prayed for a direction not to demolish and not to undertake any construction activity within Tarapith Mahasasan and Samadhisthal, being burning ghat, located within Dag/Plot No.669, 680 and 669/1106 in Mouza-Chandipur, JL No.062, Khatian No.156 in District-Birbhum, Block-Rampurhat-II. The other prayers sought for in the said writ petition are also incidental and ancillary to the main relief. In both writ petitions an interim order was passed on 3<sup>rd</sup> March, 2017 which reads as follows:-

*“Both these petitions have been filed because of alleged illegal user of the land. The petitioners contend that certain plots of land in Mouza-Chandipur, J.L. No.062, Khatian No.156 and Mouza-Kamdebpur, J.L. No.61, Khatian No.1, which have been classified as either Crematorium, Burial Ground or Debosthan are being converted in order to build an amusement park.*

*The learned Counsel appearing for the Tarapith Rampurhat Development Authority and its Chairman as also Executive Officer states on instruction that electric crematorium is being constructed pursuant to certain orders passed by the National Green Tribunal, Eastern Zone Bench, Kolkata. He states with emphasis that no part of any of the lands mentioned in paragraph 2 of the writ petition, being W.P. 1213 (W) of 2017 is being converted or will be used to construct an amusement park.*

*The learned Counsel appearing for the State submits that several orders have been passed by the National Green Tribunal, which are required to be placed on record.*

*Affidavits-in-Opposition to these petitions be filed by all the respondents within two weeks from today. Sketch map shall be annexed to the affidavit-in-opposition indicating in the manner in which the aforesaid lands are to be used for construction of an electric*

*crematorium. Affidavit-in-Reply thereto, if any, be filed within one week thereafter.*

*List both the writ petitions after three weeks.*

*It is made clear that no other construction except the electric crematorium shall proceed during the interregnum.*

*The issue regarding maintainability of these writ petitions raised by Mr. Jaharlal De, learned Advocate for the State is kept open.”*

2. In terms of the above order, no other construction except the electric crematorium shall proceed during pendency of the matter. The Court also took note of various orders passed by the National Green Tribunal wherein direction has been issued to construct a sewage treatment center. Petitioner in WPA 5674 of 2017 by filing an application being CAN 1 of 2025 contended that there is construction being started in and around the Tarapith Mahasasan despite the interim order dated 3<sup>rd</sup> March, 2017 (quoted supra).

3. The Sub-Divisional Officer, Rampurhat, Birbhum has addressed the Additional District Magistrate (Dev.) on 20<sup>th</sup> March, 2025 in which brief history and Statement of Fact have been set out. It has been stated therein that an original application no.30/2014/EZ was filed before the National Green Tribunal, Eastern Zone Bench, Kolkata in the matter of pollution which is taking place in the arena of Tarapith Temple and also the river Dwaraka. On

20<sup>th</sup> May, 2015 the National Green Tribunal passed an order directing the Chief Secretary, Government of West Bengal and the Principal Secretary, Public Health Engineering Department to take appropriate steps and measures in the matter so that construction of the Sewage Treatment Plant and the electric crematorium be made as early as possible. It further states that construction of electric crematorium in the land of Mahasamsan at plot no.669 of the Mouza Chandiput, JL No.062 under Rampurhat Police Station was started and at present is completed. Paragraph 3 of the Brief History and Statement of Fact states that interim order was passed in both the writ petitions. Paragraph 4 states that the National Green Tribunal had passed an order on 29<sup>th</sup> July, 2019 directing the District Magistrate, Birbhum to ensure that this work is completed expeditiously. Further, the report also mentions about the stand taken by the advocate appearing for the State that all works towards construction of sewage treatment plant has been done which include issuing of NIT, selection of the contractor and budgetary allocation except for transfer of forest land, have been completed. Further, the Brief History and Statement of Fact states that they expect the project to be completed within a period of six months from the date when

possession of land is handed over by the Forest Department to the PHE Department which is expected to be done within 15 days. Further a coordination meeting at local level was held on 22.02.2020 at Tarapith-Rampurhat Development Authority and resolution was made that Tarapith-Rampurhat Development Authority will extend all administrative support so that PHE may complete sewage treatment plant and ensure last mile connectivity from hotels. Therefore, it is stated that to comply with the solemn order passed by the National Green Tribunal, work order dated 10.08.2023 has been issued to government contractor for construction of a sewerage pit and other ancillary work near the outfall of samshan. Further the agency on getting the said work order started the work of integration of Hotels and Household sewage collection system under development of sewerage system in Tarapith area within Birbhum District, PHE Department. At this juncture CAN 1 of 2025 arising out of WPA 5764 of 2017 has been filed.

4. Learned senior advocate appearing for the petitioner in WPA 5764 of 2017 would vehemently contend that when there is a restraint order passed by the Division Bench and when the said order was

continued to be in force the question of putting up any construction in the cremation ground or the burning ghat does not arise. Apart from development in violation of the interim order, it would be against protection of a sacred Mahasashan which is of renowned importance and one of the Saktipiths in the State of West Bengal. The report submitted by the Sub-Divisional Forest Officer does not specifically state as to what are the ancillary works which are to be completed in terms of the direction issued by the National Green Tribunal in its order dated 29.07.2019. As could be seen from the revenue record that the land has been classified as crematorium/burial ground. If that be so, if the land has been put to use for any other purpose, necessary procedure has to be followed. But the fact remains that initially though there was an apprehension of amusement park will come up, subsequently it turned out to be a sewage treatment plant which obviously has to be established considering public interest involved in the matter. The authority should take every step to ensure that Tarapith Mahasasan/Samadhisthal have to be preserved not only as it is to give due respect to the departed soul but also to preserve the ancient heritage and history of the locality. However, one has to bear in mind that when the said matters come

to scrutiny of the Court the doctrine of sustainable development for larger public interest has also to be considered while maintaining the balance between ecology, preservation of heritage, preservation of classification of lands for a particular purpose etc. vis-à-vis the need to address the issue in the modern times. In CAN 1 of 2025 the petitioner has enclosed photographs to show that sewage treatment plant has been fully constructed at Tarapith while his grievance is that these two places, namely, the cremation ground/burning ghat and samadhisthal should not be in any manner altered or tampered. The stand taken by the respondents is that ancillary works are only to be done. Even if any ancillary work is to be done the authority should bear in mind the mythological value attached to it. Therefore, we are of the view that the authority should take a serious note of the concern expressed by the petitioner in WPA 5764 of 2017 and ensure that the burning ghat/crematorium should be maintained as such and preserved and also to ensure that no encroachment should take place within the said land which is stated to be in Dag/Plot No.669, 680 and 669/1106 in Mouza-Chandipur, JL No.062, Khatian No.156 in District-Birbhum, Block-Rampurhat-II.

5. With the aforesaid observations, both the writ petitions and connected application are all disposed of.

**[T.S. SIVAGNANAM]**  
**CHIEF JUSTICE**

**[CHAITALI CHATTERJEE (DAS), J.]**