

24.04.2025
Item No.4
PG/KS
Ct. No.1

W.P.A. (P) 109 of 2025
Sri Dhruba Saha
Versus
The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.
Mr. Samrat Dey Paul
Mr. A. Chakraborty

.....For the Petitioner

Mr. Jahar Lal De, Ld. A.G.P.
Mr. Shamim-ul-Bari

.....For the State

1. This public interest litigation has been filed alleging violation of the order and direction issued in W.P.A. 5764 of 2017 dated 3rd March, 2017 and for a direction upon the respondents not to undertake any construction activity within Tarapith Mahasashan and Samadhisthal being burning ghat and eternal resting place located within Dag/ Plot Nos.669/ 680/ 669/ 1106 in Mouza – Chandipur, J. L. No.062, Khatian No.156 in District – Birbhum, Block – Rampurhat – II.
2. The learned senior advocate appearing for the writ petitioner submitted that identical issue was considered by this Court in W.P.A. 1213 of 2017, which was heard alongwith W.P.A. 5764 of 2017 and both the writ petitions were disposed of by a common order dated 25th March, 2025 and the same directions may be made applicable to the case on hand also.
3. We have heard the learned Government counsel on the above submissions.
4. The operative portion of the order dated 25th March, 2025 in the above-mentioned writ petition is as follows:-

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.”

5. Thus, following the above direction, this writ petition is also disposed of on the same terms and conditions.

6. The learned Government counsel submitted that the petitioner and the others are trying to obstruct the sewerage pit, which has to be constructed for the treatment plant. In this regard, certain newspaper reports have been filed.
7. In the above order passed in W.P.A. 1213 of 2017 and W.P.A. 5764 of 2017 dated 25th March, 2025 this aspect has also been dealt with and it was held that construction of the sewerage treatment plant and attendant facilities are also in public interest and therefore, the petitioner cannot object to the digging of the sewerage pit or putting up any ancillary units for the sewerage treatment plant.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)