

25.03.2025
Ct. 39
Sl.no.1(SL)
ss/srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

WPA No. 6602 of 2025

Shantanu Thakur & Ors.

Versus

State of West Bengal & Ors.

Mr. Billwadal Bhattacharya, Sr. Adv.
Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Kaustav Lal Mukherjee,
Ms. Sagnika Bnerjee

... for the Petitioners.

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Prasanta Behari Mahata

..for the State.

Mr. Susovan Sengupta,
Mr. Subir Pal

...for the Respondent Nos.3 & 4.

Dr. Siddhartha Goswami,
Ms. Upasana Shaw

...for Respondent No.6.

Mr. Amiya Kumar Dutta,
Mr. Swadesh Priya Ghosh

...for Added Respondent No.5.

Mr. Mukul Biswas (through virtual mode),
Mr. Prosenjit Biswas

...for the Added Respondent No.7.

On the prayer of learned Advocate for the petitioners leave is granted to correct the classification of the petition in the presentation form as well as in the cause-title and add Smt. Mamata Bala Thakur, Sri

Promatha Ranjan Bose and Prosenjit Biswas as added respondent nos. 5, 6 and 7.

This writ petition has been filed for setting aside the order dated 19th March, 2025 passed by Additional District Magistrate and Additional Executive Officer, North 24-Parganas granting permission to added respondent nos. 5, 6 and 7 for holding *Matua Dharma Maha Mela* (hereinafter referred to as 'Mela') at *Thakurnagar Thakur Bari*.

The petitioners contend that previously permission was granted by Additional District Magistrate and Additional Executive Officer, North 24-Parganas for holding such Mela, which was challenged in the writ petition being no. WPA 5624 of 2025. By order dated 13th March 2025 the said order granting licence to hold Mela was set aside since the licence to hold Mela was granted on the basis of West Bengal Zilla Parishad Act, 1963 (hereinafter referred to as 'the Act of 1963') which stood repealed with the coming into force of West Bengal Panchayat Act, 1973 (hereinafter referred to as 'the Act of 1973'). Further the said writ petition was disposed of directing the Additional Executive Officer of North 24-Parganas Zilla Parishad to consider the petitioners' application made on 27th February, 2025 after giving opportunity of hearing to all necessary parties by passing a reasoned order and such decision shall be taken positively by 19th March, 2025. The order impugned is passed on an application dated

3rd March, 2025 of the respondent nos.5, 6 and 7. However, there is no such application dated 3rd March, 2025 pending before the authority concerned on the date of the order passed by the Hon'ble Court. The petitioner no.1 is the *Sanghadipati of All India Matua Maha Sangha*, which is a registered society under West Bengal Societies Act, 1961. The added respondent no.5 in connivance with the State Administration had grabbed the property of the society and illegally claimed herself to be *Sanghadipati* of the Society. There are several civil suits pending between the Society and added respondent no.5. The respondent no.5 has no authority and/or legal status so far as the *debottar* property of the society is concerned and therefore, the application made by respondent no.5 and two others ought not to have been considered by the authority. On such score, the petitioners seek for setting aside of the order dated 19th March, 2025 in the present writ petition.

Mr. Billwadal Bhattacharya, learned Senior Advocate appearing for the petitioners at the outset indicates that there is no such application dated 3rd March, 2025 submitted by respondent no.s.5 to 7 seeking permission for holding Mela. Referring to the report filed by the respondent-Zilla Parishad in the earlier writ petition he submits the Annexure V which has been referred to as the application dated 3rd March, 2025 is in actuality a permission before the Officer-in-

Charge, Ghaighata Police Station for posting sufficient police personnel to maintain law and order. In no stretch of imagination, the said application can be treated as an application seeking permission to hold Mela. He further indicates that the requisite permission required for holding the Mela has been obtained after the application was submitted. The permission from the West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL) is not a permission but a letter intimating drawing of excessive load above the load demand. The order impugned passed by the Additional District Magistrate and Additional Executive Officer, North 24-Parganas is perverse since it has not taken into consideration the aspect of non-submission of no-objection certificates as well as the status of the respondent no.5 in particular. Section 162 of the Act of 1973 clearly provides that the Zilla Parishad may require the owner or the lessee of a fair or Mela or an owner or a lessee of a land intending to hold fair or Mela thereon to obtain licence on such terms and conditions and payment of prescribed fees. Since respondent no.5 does not have a right over the land where the Mela is to be held more particularly she is not the owner or the lessee, hence, she has got no right to pray for grant of licence to hold Mela. In light of his aforesaid submissions, he prays for setting aside the order impugned of Additional District Magistrate and

Additional Executive Officer, North 24-Parganas of 19th March, 2025.

On the contrary, Mr. Susovan Sengupta, learned Advocate appearing on behalf of the North 24-Parganas Zilla Parishad submits that the order impugned has been passed by the Additional District Magistrate and Additional Executive Officer, North 24-Parganas in compliance to the order of this Court passed on 13th March, 2025. In the present writ petition, the only aspect which the Court can examine is whether there is any perversity in the order impugned. The order of this Court clearly manifests that the licence granted earlier was cancelled. However, there is no such observation in the order that the application along with the documents also stood set aside by dint of the aforesaid order of this Court. He indicates that the respondent no.5 is in actual physical possession of land and has been holding the Mela since 2018. The respondent no.5 as per the order impugned has complied with all the requisite permission and upon due consideration such order granting permission to hold Mela has been passed by the Additional District Magistrate and Additional Executive Officer, North 24-Parganas. He files copy of the application dated 3rd March, 2025, which is taken on record. He seeks for dismissal of the writ petition *in limine*.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader appearing for the State-respondent

submits that the application at page 470 of the writ petition is an application seeking sufficient police personnel to maintain law and order and not an application for seeking grant of permission to hold Mela. He also submits that the Mela has been held since 2018. The order has been passed by the concerned authority in accordance with law. He also prays for dismissal of the writ petition.

Mr. Amiya Kumar Dutta, learned Counsel appearing on behalf of respondent no.5 submits that the writ petition has been filed since the petitioner no.1 has a personal grudge against the respondent no.5. The writ petition is full of surmises and conjectures and as such does not merit consideration. He prays for dismissal of the writ petition.

Dr. Siddhartha Goswami, learned Counsel appearing for respondent no.6 submits that that the committee list clearly mentions the names of respondent nos.5, 6 and 7 as the members of the committee and as such, they have legal authority to seek necessary permission for holding the Mela. Previously, permission has been accorded by the State authorities which has never been disputed by the petitioners.

Mr. Mukul Biswas, learned Counsel appearing for respondent no.7 through virtual mode submits that the petitioners have not produced a single iota of documentary evidence that the petitioners have title to

the property-in-question. The *ghoshona patra* of Binapani Thakur clearly records that the respondent no.5 is the Sanghadipati and therefore, the contention of the petitioners that the respondent no.5 has no *locus* to make application seeking permission for holding Mela does not stand to reason.

In reply, Mr. Bhattacharyya, learned Senior Advocate for the petitioner submits that the title, legal status of the respondent no.5 is pending consideration by the Civil Court. He further indicates that the application dated 3rd March, 2025 mentions of enclosures of the recommendation of SDO, Bongaon. However, the materials on record suggest that such recommendation was given by the SDO, Bongaon on 5th March, 2025. Thus, there cannot occasion of enclosing the recommendation of SDO, Bongaon of the date of application, that is, 3rd March, 2025 since such recommendation did not see the light of the day when the purported application was submitted on 3rd March, 2025.

Having heard the learned Advocates for the respective parties, the only issue which falls for consideration is whether the impugned order dated 19th March, 2025 passed by Additional District Magistrate and Additional Executive Officer, North 24-Parganas is perverse or not.

This is second round of litigation.

Previously, a writ petition was filed by petitioner no.1 and others being WPA 5624 of 2025 seeking direction upon the respondent authorities to grant permission to hold *Matua Dharma Maha Mela* on and from 27th March, 2025. In the said writ petition, the licence for holding the Mela in Form 29 granted under Section 26 of the Act of 1963 was held that the same cannot be acted upon since the Act of 1963 stood repealed with the coming into effect of Act of 1973 and the Court passed the following directions:

“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.”

Upon perusal of the order impugned it is found that the petitioner no.3, Sukhendra Nath Gain submitted application on 27th February, 2025 and an application dated 3rd April, 2025 which was also considered by the authorities treating the same as 3rd March, 2025. Both the applications submitted by petitioner no.3 Sukhendra Nath Gain was rejected on the ground of non-receipt or non-submission of requisite supporting documents. During the course of hearing the petitioners could not place on record the

requisite supporting documents. Therefore, it would not be out of place to observe that the petitioners failed to submit the requisite supporting documents. Learned Senior Counsel appearing on behalf of the petitioners would contend that as per Section 162 of the Act of 1973 there is no requirement of submission of requisite documents. Such contention cannot be accepted by this Court since for holding Mela for the safety and security of the public at large certain norms and regulations including permission and no-objections from the authorities concerned are required for holding a Mela. Thus, the rejection of the application of the petitioners by the concerned authority on the ground of non-receipt of documents cannot be called in question.

It has also been contended on behalf of the petitioners that since respondent no.5 is not the owner or lessee hence, such application ought not to have been considered. It is relevant to note that by order dated 13th March, 2025 of this Court in WPA 5624 of 2025 this Court directed the authority to consider the application of the petitioners as well as any other pending applications. Therefore, such contention also does not hold good.

As per the report submitted in the earlier writ petition, the Annexure V is an application before the Officer-in-Charge, Ghaighata Police Station seeking necessary police assistance as has been rightly pointed out by the learned Senior Counsel appearing for the

petitioners and in no stretch of imagination the said application can be treated as an application seeking permission to hold Mela. Be that as it may, during the course of hearing learned Counsel for the North 24-Parganas Zilla Parishad produced the original copy of the application dated 3rd March, 2025. Therefore, the contention of the petitioner there is no existence of any application of 3rd March, 2025 does not stand to reason. The aforesaid application dated 3rd March, 2025 is also challenged on the ground that it mentions of enclosures of recommendation of BDO, Bongaon which as per materials on record is of 5th March, 2025 which cannot be a part of application dated 3rd March, 2025 and therefore, the application dated 3rd March, 2025 has been submitted in connivance with the authority. At the outset upon going through the impugned order no such ground has been taken by the petitioners before the authority concerned. Be that as it may, it appears from Annexure XII at page 478 of the writ petition that the application along with related documents were forwarded with recommendation by the Sub-Divisional Officer, Bongaon to Additional Executive Officer. Therefore, the statement in letter dated 3rd March, 2025 of enclosing recommendation of Sub-Divisional Officer, Bongaon appears to be incorrect. As per regular course of official business, the document has been forwarded to the concerned authority. Only on such ground, the application cannot be treated as a flawed one. On

perusal of the impugned order it is found that the application dated 3rd March, 2025 was backed by requisite documents on the basis of which previous licence was granted in the favour of the respondent no.5, 6 and 7.

The order dated 13th March, 2025 directs for consideration of the application of the petitioners as well as any other application pending before the authority. There cannot be any quarrel that the licence previously granted was set aside by the Hon'ble Court and not the application of respondent no.5, 6 and 7. Thus, it is found that the Additional District Magistrate and Additional Executive Officer, North 24-Parganas was correct to observe that upon the licence being infructuous, related application along with the annexed documents revived as pending for disposal.

Referring to the message of the Hon'ble Chief Minister dated 18th March, 2025 at page 531 of the writ petition, it is contended on behalf of the petitioners that such message has acted adversely upon the authority concerned in passing the impugned order in favour of respondent nos. 5, 6 and 7. The message as indicated above is a general message to the public with regard to the *Matua Dharma Maha Mela*, 2025 which in the opinion of this Court has no relevance so far as the impugned order is concerned which has been passed in view of the directions of this Hon'ble Court.

In view of the above discussion, this Court finds that the writ petition falls short of merit and is liable to be dismissed.

Accordingly, the writ petition being **WPA 6602 of 2025** is dismissed.

All connected applications, if any, stand disposed of

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded on the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)