

06
19.06.2025
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 13133 of 2025

**Buddhadev Ghosh & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Saibal Acharya,
Mr. Ambu Bindu Chakraborty.
Ms. Baisakhi Nahal.
...For the Petitioners.**

**Mr. Dipanjan Datta. Sr. Govt. Adv.
Mr. Subhajit Chowdhury.
... for the State.**

**Mr. Kalyan Chakraborty.
Mr. Pradyut Saha.
Mr. Gopal Chandra Sarkar.
... For the respondent no. 7.**

1. Affidavit-of-service filed in Court today be kept with the records.

2. The petitioner no. 1 claims to be the President and the petitioner no. 2 the Secretary of Jalalpur Roth Samskar Committee, Jalalpur, Kaliachak, Malda. The petitioners claim that the Committee is organizing Rothyatra Mela and the Mela is continuing for the past 628 years. The Mela continues for a period of nine days.

3. It appears from the submission made on behalf of all the parties that the place where the Mela is organized is a private property. The record of rights stands in the name of a private individual.

4. A civil suit in respect of the subject property was filed before the Civil Court which stood dismissed

for default on 22nd May, 2017 by the learned Civil Judge (Senior Division), Malda in O.C. 21 of 1984. This Court has been informed that an application for recalling the said order has been filed but the Suit is yet to be restored.

5. The private respondent and the Pradhan both oppose the prayer of the petitioners seeking permission to hold the Mela/Fair in the subject premises.

6. Both the Pradhan and the private respondent, however, agrees that the Rothyatra and the Ulto Rath festivals may be allowed to be conducted but both have objection with regard to the holding of the Mela/Fair.

7. Learned advocate representing the State respondents relies upon the communication forwarded by the Inspector-in-Charge, Kaliachak P.S. dated 18th June, 2025 wherefrom it appears that there is a dispute with regard to the title of the property where the Mela/Fair will be held. Since last year the police has only permitted the Rathyatra and the Ulto Rath festival to be held, but no fair was allowed to be set up.

8. The police apprehends that there may be law and order issue if the Mela is permitted to be held by the Committee.

9. From the submission made on behalf of all the parties and on perusal of the documents placed before this Court, the Court is of the opinion that the Mela was not permitted to be conducted last year. The police is apprehensive with regard to maintaining proper law and order if the Mela is permitted to be conducted.

10. There is an issue in regard to the title of the property where the Mela is sought to be conducted.

11. It will not be proper for the writ Court to direct the administration to grant permission to hold

the Mela over a private property especially when there is an objection to the same.

12. As permission has already been granted for holding the Rath and Ulto Rath, accordingly, no other order is being passed for holding the Mela/Fair at the subject premises, as sought for.

13. The writ petition stands disposed of.

14. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)