

Sl.7
11.09.2025
Court No.6
BP

C.O. 3326 of 2025

Madhusudan Biswas
-versus-
Tarak Chakraborty & Ors.

Mr. Arup Krishna Das
Mr. Dilip Kumar Sadhu
Mr. Rajarshi Ghosh
... for the petitioner

Mr. Uttiya Ray
Ms. Anima Maiti
..for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 14 dated 30th August, 2025 passed by the learned Additional District Judge, Fast Track, 2nd Court, Purba Burdwan in Miscellaneous Appeal No. 46 of 2024.

By the order impugned the appellants/opposite parties herein were given liberty to organize the ensuing Kali Puja for the year 2025 by erecting temporary pandal which shall be dismantled immediately after the Kali Puja.

Mr. Das, learned advocate appearing for the petitioner submits that the opposite parties were given liberty to organize Kali Puja on their property without even any application being filed in that regard. He submits that the petitioner did not get any opportunity to raise an objection with regard to organizing the Kali Puja on the suit property for this year.

Pursuant to the order passed on 10th September, 2025 a copy of the civil revisional application has been duly served and Mr. Roy, learned advocate appears for the opposite parties.

Mr. Roy, learned advocate, in his usual fairness, submits that no application for organizing Kali Puja on the suit property for this year was filed but the learned judge of the appellate court after hearing the appeal in part and upon considering the fact that the opposite parties were performing the Kali Puja for several years and was also permitted to organize Kali Puja last year pursuant to the order passed by the appellate court granted liberty to the opposite parties to organize Kali Puja.

However, taking note of the fact that the learned trial judge passed an order of injunction restraining the opposite parties from disturbing the peaceful possession of the petitioner in respect of the suit property and challenging such order the opposite parties have preferred an appeal, the learned judge of the appellate court ought not to have granted liberty to the opposite parties to organise Kali Puja on the suit property without even any application in that regard being filed by the opposite parties.

For such reason, this Court is inclined to interfere with the order impugned. Accordingly, the order dated 30th August, 2025 insofar as it relates to granting liberty to the

opposite parties to organize Kali Puja for this year by erecting temporary pandal is set aside.

The opposite parties will, however, be at liberty to file an appropriate application before the learned judge of the appellate court in that regard. If such an application is filed on or before 15th September, 2025 after serving an advance copy of such application upon the learned advocate for the petitioner before the learned judge of the appellate court, the learned Additional District Judge, Fast Track, 2nd Court, Purba Burdwan shall hear out and dispose of such application prior to commencement of the Puja Vacation.

The petitioner will also be at liberty to file an objection to such application, if any, filed by the opposite parties before the date of hearing to be fixed by the learned judge of the appellate court.

Parties will be at liberty to communicate the gist of the order.

With the above observations and directions, C.O. 3326 of 2025 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)