

18.09.2025
Item No.56
Ct. No.35
dc.

W.P.A. 21673 of 2025

**Biswanath Dey
versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh,
Mr. Madan Mohan Roy,
Mr. Hari Pada Nayak ... For the Petitioner.

Mr. Vivekananda Bose,
Ms. Munmun Ganguly ... For the State.

Mr. S. P. Dalapati,
Mr. P. Choudhury,
Mr. A. Santra,
Mr. S. Dewan,
Mr. S. Mondal ... For the Respondent Nos. 9 & 10.

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

Report submitted by the learned advocate appearing for the State be also kept with the record.

Petitioner has approached this Court complaining regarding the encroachment of his property particularly the shop/godown for organising Durga Puja at the behest of the private respondent nos. 9 and 10. The orders which have been enclosed along with the writ petition reflect that the order passed on 04.07.2025 in FMA 137 of 2025 with I.A. No. CAN 2 of 2025 wherein paragraph 4 reads as follows :

“4. After we have elaborately heard the learned counsel appearing for the applicants, writ petitioner and the learned Government Counsel, it is clear that the question of obstruction of conducting the Puja may not arise because the shop room/godown of the writ petitioner/appellant

is situated diagonally opposite to the Puja Pandal, which from the photograph, we find is a permanent structure and partially with the temporary roof.”

Subsequently another application being I.A. No. CAN 3 of 2025 preferred by the appellant wherein an order was passed on 03.09.2025. Paragraphs 2 to 5 read as follows :

- “2. In our considered view, if according to the petitioner/applicant, the shop room has been illegally taken over, it is a separate cause of action and while disposing of the application being, I.A. No. CAN 2 of 2025, we had recorded the submission made on behalf of the writ petitioner/appellant that he will not object to the conduct of the Durga Puja for the year 2025 and this submission was placed on record.*
- 3. Therefore, if anything has occurred, which according to the petitioner, has affected his interest, it will be well-open to the applicant/petitioner to avail appropriate remedies before the appropriate forum in accordance with law.*
- 4. Accordingly, the application being, I.A. No. CAN 3 of 2025 stands disposed of.*
- 5. It is made clear that no further application shall be entertained in this appeal at the instance of any of the parties.”*

Both the petitioner and the private respondents now claim the shop and the godown and the performance of the Durga Puja to be at the same location. In view of the earlier orders passed by the Hon’ble Division Bench, I am of the opinion

that the same is a disputed question of facts which cannot be entertained by this Court.

Consequently, the writ petition being WPA 21673 of 2025 is dismissed.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)