

D/L- 4
22/09/2025
Ct. No.-6
Aritra

C.O. 3438 of 2025

**Smt. Agamoni Das
Versus
Kanan Bala Das & Ors.**

Mr. Soumik Ganguli

....for the petitioner

Mr. Nilanjan Chatterjee

....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.110 dated September 6, 2025 passed by the learned Civil Judge (Sr. Div.) Burdwan, District-Purba Burdwan in Title Suit No.144 of 2013.

By the order impugned the application filed by the petitioner praying for a direction upon the Inspector-in-Charge, Burdwan Police Station to grant police help to the petitioner for the purpose of holding Durga Puja stood rejected.

Mr. Ganguli, learned advocate appearing for the petitioner submits that the petitioner is performing family Durga Puja by way of erection of pandal on the suit property. He submits that since the opposite parties are creating disturbance in the peaceful holding and celebrating the said Durga Puja, the police should be directed to ensure that there is no law and order problem at the locale at the time of holding the Durga Puja.

The learned advocate appearing for the opposite parties disputes the submission of Mr. Ganguli. He submits that the opposite party is a widow aged about 72 years and she is not creating any disturbance in the peaceful holding of the Durga Puja. He submits that the opposite parties shall not create any obstruction in the holding and celebrating the Durga Puja by the petitioner and there is no necessity to direct the police to render necessary assistance.

In reply, Mr. Ganguli submits that though the petitioner No.1 may be a widow, aged about 72 years but her sons, daughters and grand-sons are creating disturbances in the peaceful holding and celebrating the Durga Puja.

Record reveals that in the previous years also direction were passed upon the Inspector-in-Charge, Burdwan Police Station to ensure law and order in the schedule Ka suit property during the Durga Puja festival 2024 to be organized by the plaintiff.

It appears from the impugned order that the only ground for rejecting the prayer for police help is that the survey passed Commissioner has not yet submitted the report. Considering the nature of the dispute between the parties, this Court feels that for the purpose of directing the police authorities to ensure law and order at the locale the report by the Commissioner may not be necessary.

For such reason, this Court is inclined to interfere with the order impugned and allow the prayer of the petitioner. Accordingly, the impugned order is set aside.

The Inspector-in-Charge, Burdwan Police Station is directed to ensure that there is no law and order problem in the Ka schedule property during the upcoming Durga Puja festival, 2025 to be organized by the plaintiff/petitioner at the suit property.

The petitioner is directed not to make any permanent construction in the Ka schedule property and shall not block any path or road causing inconvenience to the opposite parties.

The opposite parties are directed to maintain peace and tranquility at the locale.

Mr. Ganguli, learned advocate for the petitioner assures this Court that after holding the Durga Puja the temporary structures shall be removed immediately thereafter.

With the above observations and directions, CO 3438 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)