

24th Sept.,2025
Item no.D/L 13
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 22444 of 2025**

In the matter of :
Tripti Ghosh & Anr. *.... Petitioners*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioners:
Ms. Shebatee Datta
Ms. Poulami Roy *....Advocates*

For the State:
Mr. Shibasish Banerjee *....Advocate*

For the WBSEDCL:
Mr. Debjit Mukherjee *....Advocate*

For the Respondent nos. 8-11:
Mr. Abhisekh Halder
Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Ms. Susmita Das
Ms. Shaoni Panda *....Advocates*

For the Corporation:
Mr. Sandipan Banerjee
Mr. Ankit Sureka *....Advocates*

1. Affidavits of service filed in Court today are taken on record.
2. The petitioners alleges that the private respondent no. 9 and its members being the respondent nos. 10-12 are performing Durga Puja over the private passage of the petitioners without obtaining any permission from them.

3. It has been submitted that the window, ingress and egress to the property has been blocked by the pandal. There is no ventilation of the property.
4. The petitioner no. 1 is aged about 65 years and the husband of the petitioner no. 1 is aged more than 75 years. The passage is a very narrow one and the ambulance cannot also enter the passage in the event there is an emergency.
5. It has been submitted that the pandal has been constructed by highly inflammable materials. The kitchen exit of petitioner has been blocked and in an unlikely event of fire loss of valuable life and property cannot be ruled out.
6. Prayer has been made to, inter alia, direct the respondents to remove the puja pandal.
7. Learned advocate representing the private respondents submits that the Puja is being performed at the said place for quite some time after obtaining permission from the concerned authorities.
8. Learned advocate representing WBSEDCL has obtained instruction from the Divisional Engineer and the Station Manager, Santragachi signed on 19th September, 2025 which mentions that objection from the petitioners was considered and the Puja pandal was inspected.
9. It has been observed that the fabricated Puja pandal constructed is just below the low tension over head line with AB Cable by pushing the cable with bamboo stick. The organizer has been requested to rectify the illegality but no reply has been received from the organizer's end.

10. Learned advocate representing the State respondents relies upon the instruction from the Officer-in-Charge, Jagacha Police Station signed on 22nd September, 2025 wherefrom it appears that the petitioners have disclosed about the height of the pandal obstructing the light in her house.
11. The objection of the petitioner was enquired and it was found that the superstructure height of the pandal is less than 40 feet.
12. I have heard the submissions made on behalf of all the parties. As the pandal in question has already been raised and permission issued in favour of the private respondents for conducting the Puja for the year 2025, accordingly, the Court is not inclined to interfere in this matter at this stage.
13. The police are directed to ensure that the ingress and egress to the petitioners' premises is not hampered in any manner whatsoever. Provision shall be maintained for the entry and exit of emergency vehicles.
14. Organizing Puja at the said place shall not create any right, title and interest of the organizers over the subject passage.
15. The organizers are directed to dismantle the Puja pandal at the earliest and the entire passage shall be made free for the pedestrians by 9th October, 2025.
16. The writ petition stands disposed of.

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

(Amrita Sinha, J.)