

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

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 22775 of 2025**

In the matter of :
M/s. GLS Realty Pvt. Ltd. & Anr.
.... Petitioners
VS.
The State of West Bengal & Ors.
....Respondents

For the Petitioners:

Mr. Anirban Ray, Sr. Adv.
Mr. Samriddha Sen
Mr. Debabrata Das
Mr. Arunabha Sarkar
Mr. Saptarshi Mukherjee
Mr. Pratik Acharjee
....Advocates

For the State:

Mr. Shibasish Banerjee
Mr. Arkadipta Sengupta
....Advocates

For the Respondent nos. 7-23:

Mr. Jayanta Narayan Chatterjee, Sr. Adv
Mr. Sirshendu Sinha Roy
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Pritha Sinha
....Advocates

For the Proposed Intervenors :

Mr. Arik Banerjee
Mr. Buddhadeb Ghosh
....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The instant writ petition revolves around performing Durga Puja in a residential complex under the name and style of ‘Ruposi Bangla’.

3. The Puja is being organized by a couple of flat owners of the said complex inside the parking space of two flat owners being GRCP-25 and GRCP-26.
4. The petitioner/developer/promoter and two other flat owners are objecting to the holding of the Puja at the said place.
5. Specific objection is that the driveway is being blocked by cars for which free vehicular movement will be hampered. The promoter is agreeable to provide a separate open space for conducting the Puja.
6. Submission is that in the unlikely event of an accident taking place during the Puja, all the responsibility will fall upon the developer/promoter/petitioner.
7. Prayer has been made to restrain the private respondents from conducting the Puja at the said place.
8. Learned senior advocate representing the private respondents submits that the Puja is being performed after obtaining permission from the Station Officer, Newtown Fire Station and West Bengal State Electricity Distribution Company Limited.
9. It has also been submitted that the organizers shall take all responsibility to conduct the Puja in accordance with the permission granted and if any mishap occurs during the performance of Puja they will shoulder the blame and not shift the same upon the petitioner.
10. Learned advocate representing the State respondents relies upon the instruction forwarded by the Inspector-in-Charge, Newtown Police Station signed on 23rd September,

2025 which mentions that in the year 2024, the Puja was held in a banquet hall outside the complex premises.

11. In 2025, No Objection has been furnished by some of the residents but strong objections were received from other flat owners citing fire and safety hazards and obstruction of emergency access.
12. All the stakeholders including the petitioner, the private respondents and the developer have been sensitized about maintaining peace and harmony and they have been informed that any breach of law will be dealt with firmly.
13. On a perusal of the permission granted by the Fire and Emergency Services, it appears that the permission has been granted subject to certain safety measures to be complied with.
14. The safety measures require separate entrance and exit for the covered Puja pandal to be provided. Enough space for movement of fire and emergency vehicles shall be maintained.
15. The width and height of the gate shall be minimum 12 feet and 14 feet respectively and height of the superstructure shall not be more than 40 feet.
16. No open flame can be used within 200 yards from pandal and no cooking arrangement would be allowed within such radius.
17. Use of highly inflammable materials for erection of pandal has been discarded. The cloths used for the pandal is to be dipped in fire retardant solution.

18. Provision has to be kept for sufficient water for firefighting emergency and four feet clear open space from the property line of the building has to be maintained.
19. The flat owners objecting to the Puja are occupying the parking space being nos. INCP-8, DICP-25 & DICP-7.
20. It appears from the submissions made on behalf of all the parties that, there is no consensus of the flat owners for holding the Puja at the place where it is being scheduled to be held for the year 2025.
21. Submission of the Puja organizers is that the pandal has been constructed and the idol has also been brought in. It has been submitted that the organizers will be highly prejudiced if the idol is to be shifted to a separate place for performing the Puja this year.
22. As it appears that the Puja is just a couple of days away, accordingly, at such a belated stage, the Court is not inclined to interfere with the same.
23. The Officers of the Fire and Emergency Services are directed to ensure that the safety and security measures, as mentioned in the permission granted to the organizers, are strictly followed.
24. If any of the safety and security measures are compromised, it will be open for the authority to immediately stop the performance of the Puja.
25. The police are directed to ensure that there is not breach of peace during the entire Puja period.
26. The driveway shall be kept free for movement of all flat owners and guests.

27. There shall be no obstruction for the vehicular movement on the driveway.
28. The parking spaces of the objectors as mentioned hereinabove, shall not be used for any of the functions of the Puja and the same shall always be kept free for the flat owners.
29. The Puja pandal shall be dismantled at the earliest but positively by 9th October, 2025.
30. As regards granting Puja permission in future, the authorities shall ensure that if there are objections, the same shall be dealt with properly prior to issuance of any permission for conducting the Puja.
31. The writ petition stands disposed of.
32. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)