

14.10.2025
(V/B D/L-110)
Ct. No.07
(S.M.)
(B.K.N.)

W.P.A. 23840 of 2025
Dwijadas Chakraborty
Vs.
State of West Bengal & Ors.

Mr. Sakya Sen, Sr. Adv.,
Mr. Jayanta Sengupta,
Mr. Ayan Mitra

... For the Petitioner

Mr. Dipanjan Dutta, Sr. Govt. Adv.,
Ms. Mohuya Dutta Biswas

... For the State

Affidavit of service filed by the petitioner be kept
with the record.

The writ application has been preferred praying
for directions upon the respondents from allowing any
unknown entity/individuals to enter into the property
of Shib Krishna Debuttar Estate being Purna Chandra
Daw Temple Complex at 6, Kakeswar Tolla Lane, Bally,
Howrah – 711201 without due permission being
granted by the Shebaites and/or the Petitioner of the
Shib Krishna Debuttar Estate.

On hearing the learned senior counsel
appearing for the petitioner, the learned counsel for the
State and private respondent it appears that
admittedly the Ghat in the present case belongs to the
petitioner herein. There is no dispute regarding the
ownership of the Ghat which is the private Ghat of the

petitioner. As on date admittedly there are no cases pending challenging the ownership of the petitioner in respect of the said Ghat.

Learned counsel for the State submits that considering the huge number of devotees who use the Ghat for Chat Puja, it will cause severe inconvenience to the administration if the petitioner's private property/Ghat is not permitted to be used by the public.

The parties have also relied upon earlier orders of this Court wherein the Court has been pleased to permit limited use of the Ghat on the assurance and supervision of the authority concerned.

The argument of the learned counsel for the State is taken into consideration but it is unfortunate that the State has submitted that due to lack of Ghats, the private Ghat of the petitioner has to be used or it will lead to a law and order problem. This submission is not acceptable by this Court.

The town of Bali more so the town of Howrah are situated on the bank of Hooghly river. There are several public Ghats which are used by the public for the said Chat Puja.

The submission of the State that the private Ghat of the petitioner has to be used is not acceptable by this Court. And when it is admitted that it is a private Ghat, the user of the same during the Chat

Puja by innumerable persons conducting the said Puja shall clearly cause severe inconvenience and hardship to the petitioner who admittedly is the rightful owner of the Ghat.

Accordingly the State administration is directed to make necessary and appropriate arrangements for temporary Ghats for conducting such Pujas for the convenience of the public and the devotees as it is the duty of the State. For this reason the State cannot be permitted to encroach upon the petitioner's private property.

The writ petition is hereby allowed.

The state authorities are directed to make necessary arrangements so that the public does not face any inconvenience by putting up temporary Ghats, if deemed necessary. The respondent authorities are restrained from using the private Ghat of petitioner in any manner whatsoever, without the permission of the petitioner herein.

All parties to act on the basis of 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 necessary formalities.

(Shampa Dutt (Paul), J.)