

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

MAT 1830 of 2025

With

IA No.: CAN 1 of 2025

Bally Sarvajanik Chath Puja Samity & Ors.

Vs.

Dwijadas Chakraborty & Ors.

For the Appellants : Mr. Partha Sarathi Bhattacharya,
Ld. Sr. Advocate
Mr. Anjan Bhattacharya, Advocate
Mr. Samrat Paul, Advocate
Mr. Suvajit Chowdhury, Advocate
Mr. Raju Bhattacharya, Advocate
Ms. Anita Shaw, Advocate
Ms. Seema Thakur, Advocate

For the writ petitioner/
Respondent no.1 : Mr. Ayan Mitra, Advocate

For the State : Mr. Dipanjan Datta, Ld. Sr. Govt. Advocate
Mr. Shamim-ul-Bari, Advocate
Ms. Mohuya Dutta Biswas, Advocate

Hearing & Judgment on : October 31, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the private respondents and directed against the order dated October 14, 2025 passed in WPA 23840 of 2025.

2. Learned Senior Advocate appearing for the appellants submits that, on the previous year, Chath Puja was directed to be held at the ghat belonging to the writ petitioner. He submits that, no untoward incident took place on the earlier year or this year also.
3. Learned Senior Advocate appearing for the appellants draws the attention of the Court to the fact that the writ petition was filed and a Receiver appointed in a civil suit. He draws the attention of the Court to the order appointing the Receiver as also the powers and functions of the receiver.
4. Learned Senior Advocate appearing for the appellants draws the attention of the Court to the order of the Division Bench passed in the earlier round of litigation being dated November 27, 2024 passed in MAT 2062 of 2024. He submits that, the Division Bench observed that the issues are required to be agitated before the competent civil court.
5. Learned Advocate appearing for the State submits that, the State complied with the directions of the High Court as passed on October 24, 2025. He submits a report which be taken on record. He submits that, no untoward incident took place during the Chath Puja.
6. Learned Advocate appearing for the private respondent/writ petitioner submits that, the appellants cannot continue to utilize the ghat for the purpose of Chath Puja since the ghat forms part of a private property. None of the shebais or the Receiver granted any permission for the user of such ghat by the members of the public or by the appellants.

He submits that, the writ petitioner was adequately empowered by the order of appointment for the purpose of moving this writ petition.

7. We find from the records that, the writ petitioner is Receiver appointed in a civil suit with regard to the management of the debutter estate. Writ petitioner was appointed as a Receiver in Title Suit No.1265 of 2022 pending before the learned City Civil Court at Calcutta.
8. In Title Suit No.1265 of 2022, there subsists an order dated December 23, 2024 granting liberty to the writ petitioner as the Receiver to institute fresh suits and/or proceedings for eviction against trespassers, unauthorized occupants/wrongful occupiers and/or lodge complaints as and when required and to initiate proceedings against statutory authorities for the protection of the properties of the debutter estate.
9. Writ petitioner approached the Writ Court complaining that, the police were inactive with regard to the complaints lodged by the writ petitioner relating to misuse of the ghat belonging to the debutter estate by the members of the public and in particular the appellants before us. Since the police were inactive, the writ petition was filed in which the impugned order was passed.
10. By the impugned order, the learned Single Judge directed as follows:

“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."

11. There are disputes and differences between the private parties with regard to the right of the user of ghat belonging to debutter estate.
12. Materials on record suggest that, the ghat in question is a private property.
13. There is an earlier round of litigation in which, there was an order passed by the learned Single Judge allowing Chat Puja to take place at the ghat in question. A recalling application was filed on behalf of the writ petitioner herein, which did not meet with any success.
14. There is an order passed by the Appeal Court in the earlier round of litigation passed on November 27, 2024 in M.A.T. 2062 of 2024. A coordinate Bench noted that, since the Chat Puja was already over, the appeal was disposed of by keeping all issues open to be adjudicated before the competent civil court.

15. No civil suit was filed by either of the parties subsequent to the order of the coordinate Bench on November 27, 2024. Thereafter, the writ petitioner approached the Writ Court, complaining police inaction as noted above, in which, impugned order was passed.
16. As noted above, there are civil disputes between the private parties with regard to the right of the user of the ghat. Nothing is placed before us to suggest that, the writ petitioner before us is Article 12 authority and that, members of the public are entitled to use the ghat belonging to the writ petitioner for performing religious festivals or otherwise.
17. Since, there exist disputes which are civil in nature between the private parties ideally such disputes are to be considered by the competent Court as noted by the coordinate Bench in the earlier round of litigation.
18. In such circumstances, we find no material in the present appeal.
19. **M.A.T. 1830 of 2025** along with connected application being IA NO: CAN/1/2025 are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

20. I agree.

(AD/CHC)

(Md. Shabbar Rashidi, J.)