

34. 24.11.2025
Court No.03.
(Pritam)

WPA 26350 of 2025.

Md. Emdadul Haque @ Md. Emdadul Sk.

-Vs.-

The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Golam Mohiuddin,
Ms. Cardina Roy,
Ms. Raina Das.

....for the petitioner.

Mr. Chandi Charan De, Ld. AGP.,
Ms. Saswati Chatterjee.

...for the State respondents.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. Despite service, excepting the State, no other respondents are represented.
2. The matter pertains to non-grant of the permission for the purpose of organizing a fair on the land situated at Mouza-Amuddya, Dag Nos.245 & 252, JL No.149, within Paikar Police Station, District-Birbhum. According to the petitioner, the fair is held annually since 2010.
3. Ms. Roy, learned advocate representing the petitioner has drawn attention of this Court to the order dated 7th January, 2025 in WPA 30567/2024 to demonstrate that on previous occasions, the petitioner had been accorded approval for holding fair

at the above locale. The operative portion of the above order of the Co-ordinate Bench is quoted hereinbelow;

“.....The Fair/Mela not only involves the issue of entertainment, but is also a means of livelihood for many. If the same is being held since 2010, I find no special reason to put an end to it now.

Therefore, let the police authorities grant necessary permission to hold such Fair to the petitioner for the period commencing from 10.01.2025 to 22.01.2025.

It is, however, made clear that the organizers shall abide by all applicable laws including the norms of sound pollution and the like.

The police authorities shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.”

4. In the instant case, I, however, find that apart from the application seeking permission to hold the fair which is addressed to the Pradhan of the concerned Gram Panchayat dated 10th November, 2025, no other application has been filed by the petitioner.
5. Upon going through the report prepared by the O/C, Paikar Police Station, I find that he insists on a specific order from this Court to accord permission to the petitioner for holding the fair. Such conduct on the part of the Officer-in-Charge, Paikar Police Station is deprecable, to say the least.
6. Be that as it may, since the petitioner has not made any application before the appropriate authorities, including the West Bengal Fire & Emergency Services, I am of the view that instead of keeping the

writ petition pending the same can be disposed of by granting liberty to the petitioner to apply before the West Bengal Fire & Emergency Services. If such application is made, the same shall be considered expeditiously. If permission had been granted previously and if there be no reason to deny the permission, the same must not be unnecessarily delayed and may be granted as expeditiously as possible, preferably within seven days from the date of filing of such application.

7. Having regard to the fact that on 10th January, 2025, a similar permission has been accorded, the police authorities shall not, under any circumstances, insist on any specific directions from this Court for according permission for holding the fair. If the police authorities are of the view that there is no reason to deny or withhold permission, such permission shall be accorded without waiting for any further orders from this Court.
8. Similarly, the application made before the Pradhan must be disposed of within two working days from the date of communication of this order. While disposing of the application, the Gram Pradhan shall take into consideration the fact that in the previous years, similar permissions were accorded by the concerned Gram Pradhan.

9. With the above observations and directions, the writ petition stands disposed of.
10. However, there shall be no order as to costs.

(Raja Basu Chowdhury, J.)