

23.12.2025
Sl. No. 155
g.b.
Court No.15

W.P.A. 27868 of 2025
With
CAN 1 of 2025

Yeadul Mondal
-Vs-
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Golam Mohiuddin
Ms. Cardina Roy
Mr. Mridul Biswas
Ms. Raina Das
Mr. Md. Kaif Hossain
.....For the Petitioner
Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Ms. Utsa Dutta
...For the Birbhum Zilla Parishad
Mr. Santanu Kumar Mitra
Mr. Amartya Pal
.....For the State
Mr. Pintu Karar
Mr. Sourav Roy
Ms. Meghna Chowdhury
.....For the Respondent No.6
Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Ms. Babita Pramanik
.....For Propose Added Respondent

The petitioner seeks to organize a Mela (Fair) on Plot Nos. 156 and 157, Mouza Bhadista, J.L. No. 145, within Paikar P.S., District – Birbhum.

Learned counsel for the petitioner submits that the petitioner is the Secretary of the Kushmore Anchalik Mela Committee, which has been organizing the Mela at the said location for the past 32 years.

It is further submitted that the Panchayat Pradhan has not granted any permission for organizing the Mela, and, as a result, the petitioner is unable to proceed with its organisation.

Learned counsel appearing for the Birbhum Zilla Parishad also submits that, due to the absence of permission from the Panchayat Authority, the Zilla Parishad did not grant any approval to organise the fair.

However, it appears that Section 162 of the West Bengal Panchayat Act, 1973, confers power upon the Zilla Parishad to grant a licence for a Fair or Mela, while Section 47(III) of the same Act authorizes the Panchayat to levy fees for providing sanitary arrangements at Fairs and Melas within its jurisdiction, as may be prescribed by the State Government by notification.

In my view, the Zilla Parishad is the competent authority to grant permission under the Panchayat Act, 1973, while the concerned Panchayat may collect fees for providing sanitary

arrangements at any Mela or Fair at the rates prescribed by the State Government.

Therefore, I do not find any justification in the stand of the Zilla Parishad that, due to the absence of a no-objection certificate from the Panchayat, it is unable to grant permission to organize the Fair.

The applicant in CAN 1 of 2025 submits that this Court has already granted permission to organize a Fair in a nearby area on December 8, 2025, in WPA 26381 of 2025. While allowing two fairs in close proximity may give rise to certain infrastructural and logistical challenges, I do not find any reason to keep this writ petition pending.

Accordingly, this writ petition is disposed of with the following directions:

(a) The Zilla Parishad shall consider the petitioner's application for organizing the relevant Fair in accordance with law within a period of seven days from the date of communication of this order.

(b) The Zilla Parishad shall consider the application of the petitioner irrespective of any no-

objection certificate from the concerned Gram Panchayat.

(c) The organizer shall obtain the necessary permissions from the Fire Department. There shall be no unauthorized use of electricity for the purpose of organizing the Fair.

(d) The Fair shall commence only after a minimum gap of seven days from the conclusion of the Fair directed to be organized by this Court in WPA 26381 of 2025.

(e) The Panchayat and the police shall provide all necessary assistance to ensure that the Fair is organized in a peaceful manner and with proper sanitation arrangements.

Accordingly, **WPA 27868 of 2025** and the application being **CAN 1 of 2025** are disposed of accordingly.

(Kausik Chanda, J.)