

Item.24

07.01.2025

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Ct. 17

WPA 30567 of 2024

Md. Emdadul Haque @ Md. Emdadul Sk.

-vs-

The State of W.B. & ors.

Mr. Anindya Bose
Mr. Golam Mohiuddin
Ms. Cardina Roy

...for the petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Diptendu Narayan Banerjee

...for the State

Leave is granted to file supplementary affidavit.

Supplementary affidavit as filed in Court is taken on record.

Affidavit of service filed on behalf of the petitioner is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner organizes a Fair/Mela every year at this time at the place in question. It is called the Amuddya Gramin Krishi Mela. The petitioner has been holding such Fair since 2010. The owner of the land has also given permission for holding such Mela/Fair. After sanction obtained from the police, the petitioner has to apply before the Zilla Parishad for final permission. But, this year the police have not given permission to hold the Fair.

Learned counsel appearing on behalf of the State relies on a report, which is taken on record and submits as

follows. There is a mass petition received from some villagers objecting to the holding of such Fair on the ground that the Madhyamik Examination and the Higher Secondary Examination are to take place soon.

Heard the learned counsels for the parties and perused the report.

It appears that the petitioners have been holding such Fair for quite some time. The owner of the land has also given necessary permission. Earlier, the police authorities had also granted permission to hold such Fair. A reference is made to such permission granted for the earlier years.

It is submitted on behalf of the parties that the Madhyamik Examination is to commence from the 2nd week of February, 2025.

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.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)