

S/L.08
22.05.2025
Court No.2
(Susanta)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

WPA 1128 of 2025

The Jalpesh Temple Committee & Anr.

Vs.

The State of West Bengal & Ors.

*Mr. Somnath Roy Choudhury (VC),
Mr. Debanjan Das,*

... For the Petitioners.

*Mr. Joyjit Choudhury, Ld. AAG,
Mr. Subir Kumar Saha, Ld. AGP,
Mr. Sumit Kumar,*

.... For the State.

Mr. Swarup Das,

.... For the respondent Nos. 4 & 5.

*Mr. Narendra Nath Das,
Mr. Pragyaadip Roy Basunia,
Mr. Jagesh Chandra Roy,
Mr. Debojyoti Roy,*

.... For the Intervenor.

Affidavit-of-service filed on behalf of the
petitioners be kept with record.

The Jalpesh Temple Committee (hereinafter
referred to as “the said Committee” in short) and its
Secretary are the petitioners of the instant writ petition.

The petitioners are challenging the order No. 488
dated April 05, 2025 and order No. 489 dated April 29,
2025 passed in O.C. Suit No. 03 of 1940.

The Deputy Commissioner (Collector) of
Jalpaiguri had filed a suit being O.C. Suit No. 03 of 1940
before the learned District Judge, Jalpaiguri *inter alia*, for
settling a scheme for the management of the temple of
Lord Shiva, popularly known as Jalpesh Temple.

On May 31, 1941, the said suit was decreed by
settling a scheme and by appointing trustees to manage
the affairs of the said Temple.

In terms of the said scheme, Jalpesh Temple Committee Administration and Management Trust Properties Rules 2004 (hereinafter referred to 'the said Rules of 2004' in short) was framed.

The trustees of the said Committee, by an unanimous resolution dated November 26, 2023 has proposed to extend the tenure of the President, the Treasurer and the Assistant Secretary of the said committee i.e. Sri Swapan Mitra, Sri Sailendranath Roy, and Bidyut Kumar Ghosh (since deceased) respectively.

The said President and Treasurer have been impleaded in the writ petition as the added respondent nos. 4 & 5.

In terms of the said Rules of 2004, the said resolution dated November 26, 2023 was sent for the ratification to the learned District Judge, Jalpaiguri.

The learned District Judge, to resolve the dispute, by the order no. 488 dated April 05, 2025, had remanded the issue before the trustees.

The trustees, on April 17, 2025, though had convened a meeting but had failed to take any resolution as by the time, the tenure of the President of the Committee had expired, as such the issues were reverted to the learned District Judge, Jalpaiguri.

The learned District Judge by the order no.489 dated April 29, 2025 has formed a search committee consisting of the learned Civil Judge (Junior Division), 1st Court, Jalpaiguri and the Chief Administrative Officer of the District Judge's Court.

The petitioners are challenging the said order on the ground that for the appointment of trustees, neither in the scheme nor in the said Rules of 2004, there is any provision for constitution of a search committee, in fact, formation of such committee offends the said scheme and the said Rules of 2004.

Heard the learned Counsel for the parties; perused the materials-on-record.

The learned District Judge, to resolve the dispute between the trustees and to consider the resolution dated November 26, 2023, has constituted the said search committee.

The Committee so constituted has not been vested with any power to nominate any trustee, they are only entrusted to carry out enquiry necessary to approve or disapprove the resolution dated November 26, 2023, therefore, the orders under challenge do not call for any interference.

However, the search committee while considering the referred issues, shall afford opportunity of hearing to all the members of the committee including the added respondent nos. 4 & 5 and the representative of the State.

The learned District Judge, Jalpaiguri, in the light of the scheme and the said Rules of 2004, shall consider the resolution dated November 26, 2023.

In the event the dispute between the trustees cannot be resolved, the learned District Judge, Jalpaiguri is free to appoint an Administrator to manage the affairs of the Temple.

The public interest and sentiment since are involved, the issues be disposed of as expeditiously as possible.

The added respondents have filed separate affidavits with an undertaking that they will not pursue the application filed by them seeking review of the orders under challenge.

WPA 1128 of 2025 is therefore disposed of with the above terms without any order as to costs.

Parties to act on 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, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)