

22.01.2026
Sl No.157
Ct. No.15
S.A.

WPA 1423 of 2026

Najimuddin Sekh & Anr.

-vs-

State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Mr. Jahangir Hossain
Ms. Babita Pramanik

...for the petitioners

Ms. Sharmila Datta Das

...for the State

Mr. Sandipan Banerjee
Ms. Utsa Dutta
Ms. Priyanka Sen

...for Birbhum Zilla Parishad

The petitioners seek permission to organise a Mela (Fair) on Plot Nos. 602, 603, and 604, Mouza-Chhatina, J.L. No. 150, within Paikar Police Station, District Birbhum.

Learned counsel appearing for the petitioners submits that petitioner no. 1 is the Secretary of the Kushmore-I Panchayat Regional Milan Mela Committee, which has been organising the said Mela at the aforementioned location for the past ten years. It is further submitted that the Panchayat Pradhan has not granted permission for organising the Mela and, as a consequence, the petitioners are unable to proceed with its organisation.

Learned counsel appearing on behalf of the Birbhum Zilla Parishad submits that, in the absence of permission from the Panchayat Authority, the Zilla

Parishad has not granted approval to organise the Fair.

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

In my view, the Zilla Parishad is the competent authority to grant permission for organising a Fair or Mela under the West Bengal Panchayat Act, 1973, while the concerned Panchayat is empowered to collect fees for providing sanitary arrangements at such Fair or Mela in accordance with the rates prescribed by the State Government.

Therefore, I find no justification in the stand taken by the Zilla Parishad that, in the absence of a no-objection certificate from the concerned Panchayat, it is unable to grant permission to organise the Fair.

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

(a) The Zilla Parishad shall consider the petitioners' application for organising the concerned Fair in accordance with law within a period of two weeks from the date of communication of this order.

(b) The Zilla Parishad shall consider the application of the petitioners irrespective of the absence of any no-objection certificate from the concerned Gram Panchayat.

(c) The organiser shall obtain all necessary permissions from the Fire Department. There shall be no unauthorised use of electricity for the purpose of organising the Fair.

(d) The Panchayat and the police authorities shall extend all necessary assistance to ensure that the Fair is organised in a peaceful manner and with proper sanitation arrangements.

Accordingly, **WPA 1423 of 2026** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)