

04.02.2026
Item No. 43
PG/
Ct. No.1

W.P.A.(P) 30 of 2026
Sadek Mondal
Versus
The Sub-Divisional Officer, Tehatta & Ors.

Mr. Banazir Shaikh
Mr. Ibrahim Shaikh.....for the petitioner

Mr. Sirsanya Bandyopadhyay,
Ld. Sr. Standing Counsel
Ms. Tapati Samantafor the State

PER, PARTHA SARATHI SEN, J.:

1. The writ petitioner and the respondent/State are represented by their respective learned counsels.
2. By filing the instant writ petition, the writ petitioner prayed for issuance of appropriate writ/writs against the respondent authorities for consideration of the representation dated 27.10.2025, as has been annexed at page nos. 42 and 42A of the instant writ petition.
3. At the time of hearing, learned advocate appearing for the writ petitioner at the very outset, draws attention of this Court to annexure-‘P3’ of the instant writ petition being a copy of the order dated 01.02.2016, as passed by the Sub-Divisional Magistrate, Tehatta, District-Nadia pursuant to the direction of this Court vide judgment dated 11.12.2015 in **W.P. No. 27667(W) of 2015 (Sadek Mondal & Ors. vs. Sub-Divisional Officer, Tehatta & Ors.)**.
4. It is submitted that from the said order, it would reveal that the said Sub-Divisional Magistrate expressed the

view that Masjid Committee is at liberty to apply again for use of microphone in the Masjid through Officer-in-Charge, Hogalberia Police Station after the tension prevailing in the area between people of both communities subside.

5. It is submitted that on 27.10.2025, a representation has been made by the writ petitioner Sadek Mondal with the Officer-in-Charge, Hogalberia Police Station, District-Nadia requesting him to allow use of microphone during Ajan. However, the jurisdictional Officer-in-Charge of the said police station has not taken any decision.
6. At the time of hearing, learned advocate for the respondent/State has submitted a report dated 02.02.2026, the last paragraph of which, in our considered view, is very much relevant and thus, the same is reproduced hereinbelow *in verbatim*:

“Police Action and Present Situation

The police authorities are maintaining regular vigil in the area to prevent any untoward incident. As on date, the situation in the locality is peaceful and under control. The role of the police has been confined strictly to maintenance of law and order. Decisions regarding grant or refusal of permission for use of microphones fall within the jurisdiction of the competent executive authority. Questions relating to civil or religious rights are subject to adjudication by the competent court. Nevertheless, the police administration remains fully committed to the rule of law and shall faithfully comply with any direction or observation that the Hon’ble High Court may be pleased to pass.”

7. On careful consideration of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, we, while disposing the instant writ petition, permits the writ petitioner to submit a fresh representation with the jurisdictional District Magistrate along with a server copy of this order.
8. The jurisdictional District Magistrate, on receipt of such representation shall consider such representation in accordance with law either by himself or by assigning the same to any other Additional District Magistrate under him, who, after giving due opportunity of hearing to the writ petitioner and/or any other stakeholders, if there be any and/or their authorised representative shall take an appropriate decision on such representation by passing a reasoned order and shall forthwith communicate such decision, both to the writ petitioner as well as to the other stakeholders, if there be any.
9. The entire exercise as indicated hereinabove, is to be completed within 60 working days from the date of submission of the representation by the writ petitioner.
10. The time limit, as fixed by this Court, is peremptory and mandatory.
11. With the aforementioned observations, W.P.A.(P) 30 of 2026 is disposed of.

12. Before parting with, it is however, made clear that while disposing of the instant writ petition, we have not gone into the merits of the instant writ petition vis-à-vis the representation dated 27.10.2025, as submitted by the writ petitioner and thus, all points are kept open before the jurisdictional District Magistrate.
13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)