15. 07.10.2026
(D/L) CT. NO. 05
(ARPAN-A.R.CT.)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 26530 OF 2026

SMT. PRITI AGARWAL
VS.
THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Shibjit Mitra, Adv.
Mr. Asit Das, Adv.
Mr. Darsh Deep Singhwalia, Adv.
Ms. Chandrani Banerjee, Adv.
... *For Petitioner*

Mr. Partha Chakraborty, Adv.
Mr. Saurav Sengupta, Adv.
... *For State*

Mr. Piyush Chaturvedi, Adv.
Mr. Bratin Kumar Dey, Adv.
... *For KMC*

Ms. Oindrila Ghosal, Adv. *(Via VC)*
Ms. Shreyasi Manna, Adv.
... *For CESC*

Mr. Md. Zohaib Rauf, Adv. *(Via VC)*
Mr. Abdul Zahid, Adv.
... *For Respondent No.7*

Mr. Debapriya Majumder, Adv.
... *For Respondent Nos.8 & 10*

1. Affidavit-of-service filed on behalf of petitioner is taken on record.

2. By presenting this writ petition learned advocate representing petitioner has submitted that Entally Sarbojonin Sri Sri Durga Puja Committee being respondent no.8 is going to perform Durga Puja on the land in question for the year 2026 without permission of petitioner being the land owner, which is impermissible. Petitioner prays for direction upon the concerned police authority to take steps which would prevent respondent no.8 from performing Durga Puja.

3. In support of such contention, reliance is placed on the order passed by a co-ordinate Bench on a writ petition being ***WPA 4431 of 2017 (Sri Santosh Kumar Agarwal @ Sri Santosh Kumar Agarwalla & Anr. vs. The State of West Bengal & Ors.)***.

4. Learned advocate representing respondent no.8 has opposed this writ petition based on order dated 6th June, 2022 passed by learned Civil Judge (Junior Division) 2nd Court, Sealdah in Title Suit No.86 of 2011. It is submitted that *vide* order dated 6th June, 2022 parties to the suit were directed to maintain *status quo* over the land in question and respondent no.8 has been organizing Durga Puja for last 91 years over the said land.

5. It is also submitted on behalf of petitioner that aforesaid title suit was instituted by petitioner herein claiming declaration of right, title and interest over the land in question and recovery of possession. In the said suit Entally Morning Athletic Club being respondent no.7 is the defendant.

6. State respondents are represented by learned advocate who has submitted that till date concerned police authority has not granted permission for Durga Puja.

7. In the present case having heard the learned advocates representing parties, Court finds that aforesaid title suit is pending before the Civil Court wherein interim order was passed thereby directing parties to the suit to maintain *status quo* over the land in question. On perusal of the order passed by the Civil Court on 6th June, 2022, it does not appear that there is any prohibition imposed by the Civil Court in performing

Durga Puja taking note of the fact that this Puja is being organized for last 91 years.

8. Moreover, after passing of interim order on 6th June, 2022 by the Civil Court respondent no.8 had performed Durga Puja from 2023 to 2025. No contemporaneous legal steps were taken by the petitioner after interim order was passed on 6th June, 2022. Conduct of petitioner by accepting order dated 6th June, 2022 passed by the Civil Court further fortifies case of respondent no.8.

9. Taking note of aforesaid facts, it appears that order passed by the co-ordinate Bench in *WPA 4431 of 2017* does not come in aid of petitioner since in the present case *status quo* order passed by the Civil Court was accepted by the petitioner thereby permitting puja organizers to perform Durga Puja on four consecutive years subsequently. This writ petition appears to be afterthought.

10. Hence, present writ petition is dismissed.

11. However, this order shall not preclude petitioner to approach Civil Court, in accordance with law, if so advised.

12. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)