07.10.2026
39 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 26785 of 2026

Bapi Roy
–Versus –
The State of West Bengal & Ors.

Mr. Maidul Islam Kayal
Mr. Archisman Singh
Mr. Mohinur Mullick
....for the petitioner

Mr. Partha Chakraborty
Mr. Dyutimoy Paul
...for the State respondents

Mr. Pradip Kumar Kundu
....for the respondent nos. 7,8,10 & 11

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

2) By presenting this writ petition, it is submitted that a *durga puja* is being organized on petitioner's land for last two years. Learned advocate representing petitioner submits that petitioner is owner of land in question on which *durga puja* is being organized. According to petitioner, in absence of his permission *durga puja* ought not be performed on land in question for the year 2026. It is submitted that Title Suit No. 1108 of 2026 was instituted before the learned Civil Judge (Junior Division), 6th Court, Alipore, South 24 Parganas and an

ex parte ad interim order was passed on 20th August, 2026 thereby restraining defendants from disturbing plaintiff's peaceful possession of the suit property for a specified period. Petitioner is the plaintiff in said suit.

3) State respondents and respondent nos. 7,8,10 & 11 are represented by learned advocates.

4) Learned advocate representing State respondents has filed a communication dated 30th September, 2026 enclosing relevant documents of Inspector-in-Charge, Budge Budge Police Station, Diamond Harbour Police District and same are taken on record.

5) It is submitted on behalf of aforesaid private respondents that *durga puja* is being performed for last two years and for performing *durga puja* in 2026 permission is obtained from owners of land in question. A copy of permission dated 1st August, 2026 containing signatures of five persons claiming to be owners of land in question is filed on behalf of private respondents and same is taken on record. It is contended that five persons who granted permission on 1st August, 2026 for performing *durga puja* are successors-in-interest of one Prankrishna Dhara.

6) In addition thereto, it is submitted said Prankrishna Dhara was owner of land under Dag No. 2765, Khatian No. 1477, Mouza -Garbhuktanandanpur on which *durga puja* is being performed. A document is produced on behalf of private respondents showing recording of

name of Prankrishna Dhara in connection with land under Dag Nos. 2763 and 2765, Khatian No. 1477, Mouza -Garbhuktanandanpur. Same is also taken on record.

7) Nothing is demonstrated on behalf of petitioner that petitioner is the sole owner of land in question except pendency of aforesaid suit before the civil court. In said suit one *ex parte ad interim* order of injunction was passed on 20th August, 2026 thereby restraining defendants from disturbing plaintiff's peaceful possession of the suit property for a specified period. Suit was instituted in the month of August, 2026. Therefore, nothing is on record from which court can make an inference that petitioner is the owner of land in question on which *durga puja* is being performed. If it would have been substantiated before this Court that petitioner is the sole owner of land in question in that event issue raised in writ petition could have been addressed. On the contrary, this Court cannot brush aside claim made on behalf of private respondents that successors-in-interest of late Prankrishna Dhara are the owners of land in question who have granted permission for performing *durga puja* on said land for the year 2026.

8) This is not a proceeding to decide title of land in question on which *durga puja* is performed. If court allows this writ petition accepting petitioner is the sole

title holder of land in question, pending suit will become infructuous.

9) In aforesaid conspectus, writ petition is not interfered with and same stands dismissed.

10) Parties to act on server copy of this order duly downloaded from official website of this Court.

(Saugata Bhattacharyya, J.)