ADSL 01 06.11.2026
NB Ct. 08

MAT 1923 of 2026
CAN 1 of 2026

Chinmoy Mondal
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Samik Sarkar,
Mr. Kaustav Banerjee,
Ms. Ria Kundu.
... for the petitioner.

Mr. Debapriya Gupta ld.AGP,
Mr. Madhu Jana,
Mr. Nripendra Pratap Singh,
Ms. Puja Sonkar.
…for the State.

Mr. Rishov Das.
…for the private respondent.

1. The present application has been preferred against an order whereby a writ petition filed by the appellant, alleging violation of a status quo order as well as proposed organization of a Kali Puja on the subject property by the private respondent without taking necessary permission from the PWD, which is the owner of the subject land, was disposed by the learned Single Judge by directing the respondent no.3/PWD to consider the representation of the petitioner within three weeks from the date of communication of the order.

2. Learned counsel appearing for the appellant places reliance on an order of status quo granted by a learned Single Judge of this Court in CO 2328 of 2023 on July 28, 2023, whereby the parties were directed to maintain status quo as regards nature and character of the subject property as well as restraining construction of boundary wall in respect of the same.

3. Learned counsel argues that apart from flouting the order through the agency of the private respondent, the PWD has also permitted performance of a Kali Puja on the said property despite the private respondent having not taken any permission from the PWD within the cut-off date as stipulated by the extant laws and legal provisions.

4. Learned Additional Government Pleader, appearing for the State, submits that a notice under Section 10(1) of the West Bengal Highways Act, 1964 has already been issued to the private respondent on November 2, 2026. It is further submitted that a bamboo structure has been raised on the subject property by the private respondent, which is not permanent in nature and that the private respondent has assured that the same will be removed within 48 hours from the performance of Kali Puja.

5. Upon query of the Court, learned counsel for the private respondent assures the Court that the private respondent shall remove all structures from the subject property, including the bamboo pandal erected for the purpose of performing Kali Puja, latest by November 11, 2026.

6. Upon hearing learned counsel for the parties, we find that the status quo order granted by the learned Single Judge on July 28, 2023 was restricted to change of nature and character and construction of boundary wall, neither of which has been proposed to be done by either the PWD or the private respondent. The bamboo structure allegedly constructed by the private respondent is of temporary nature and does not

tantamount in any event to change of nature and character of the subject property or erection of a boundary wall.

7. Insofar as the allegation of no prior permission being taken from the PWD, the PWD, we are informed, has taken due steps in law by issuing a notice under Section 10(1) of the 1964 Act on November 2, 2026 in that regard.

8. Be that as it may, since arrangements have already been made for performance of Kali Puja by the private respondent, the ends of justice would be sub-served in the event the private respondent is put to the following terms while so performing:

(i) During the entire period from this date till November 11, 2026, the private respondent shall leave sufficient passage for ingress and egress over the subject property to and from the appellant's property;

(ii) The private respondent shall positively remove the entire bamboo structure and all temporary structures and articles installed by the private respondent on the subject property latest by November 11, 2026 midnight;

(iii) In the garb of performance of the Kali Puja, the private respondent shall not make any permanent construction over the said property;

(iv) The said Kali Puja shall be performed by the private respondent by adhering to all statutory requirements.

9. We make it abundantly clear that the above permission shall not create a precedent on any subsequent occasion but is an one-off liberty given to the private respondent.

10. MAT 1923 of 2026 is disposed of by modifying the impugned order to the above extent.

11. CAN 1 of 2026 is consequentially disposed of as well.

12. No order as to costs.

13. The parties and all concerned shall act on the server copy of this order for the purpose of compliance, without insisting unnecessarily upon prior production of a certified copy thereof.

(Sabyasachi Bhattacharyya, J.)

(Arindam Mukherjee, J.)