13.11.2026
Court No.25
S/L No.1
S. Gayen

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

(From Principal Bench)

WPA 3260 of 2026

Dipu Harijan & Anr.
Versus
The State of West Bengal & Ors.

Mr. Subir Sanyal, Sr. Adv.
Mr. Anindya Sundar Das
Mr. Srijit Bhunia
Mr. Shaunak Ghosh
Mr. Surojit Mukherjee
Ms. Suva Gayen

...for the Petitioners

Mr. Dibyendra Narayan, Ld. GP
Mr. Ajit Kumar Mishra, Ld. AGP
Mr. Anish Kumar Mukherjee
Ms. Reshmi Ghosh

...for the State

1. The two petitioners belong to the Basfore and Harijan Community have filed the present writ application praying for a direction upon the District Magistrate, Coochbehar, the respondent No.3 and the Superintendent of Police, Coochbehar, the respondent No.2 to permit the petitioners and their members of the organization and the other devotees to perform the rituals of Chhath Puja at Sagar Dighi Ghat, Coochbehar between evening of November 15, 2026 to the morning of November 16, 2026.

2. Learned counsel appearing for the petitioners submits that the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata has passed an order in Original

Application No. 118/2021/EZ dated May 13, 2022 recommending that "*Religious rituals may be discouraged at the Lake and all waste generated from such activities must be segregated at source ensuring that no remnants of any rituals in any form enters the Lake and Coochbehar Municipality should take responsibility for scientific disposal of wastes*".

3. Learned counsel for the petitioners by drawing the attention of the order of the NGT submits that the authority, relying upon the said order, is not giving the permission to perform the Chhath Puja at Sagar Dighi Ghat, Coochbehar. He further submits that the petitioners have made representation on November 11, 2026, wherein the petitioners had categorically stated that the petitioners will abide by the directions of the NGT dated May 13, 2022 and subsequent instructions, if any, issued by the authorities.

4. Learned counsel for the petitioners submits that the devotees will not use any plastic, polythene or non-biodegradable materials during the rituals in the said Sagar Dighi Ghat. The petitioners further undertake that the devotees will maintain cleanliness and proper waste disposal ensuring that no remnants of puja materials enter into the water body. He further submits that on the earlier occasion also the said issue was arose as the authorities were not permitted the petitioners to perform the Chhath Puja at Sagar Dighi Ghat. Accordingly, a writ petition was moved before

this Court being WPA 2352 of 2024 and by an order dated November 7, 2024, this Court allowed the devotees for performing the rituals of Chhath Puja in the said area. Learned counsel for the petitioners prays for similar order by directing the respondent Nos. 2 and 3 to allow the petitioners to perform the Chhath Puja at the Sagar Dighi Ghat subject to compliance with the order passed by the NGT.

5. Learned counsel appearing for the State submits that in view of the order passed by the NGT it is not possible for the Administration to allow the petitioners to perform the Chhath Puja at the Sagar Dighi Ghat and if the petitioners or the devotees are allowed to perform the Chhath Puja in the said Sagar Dighi Ghat, there is every possible that there will be a violation of the order passed by the NGT. Learned counsel for the State further submits that the authorities to resolve the issue of the petitioners to perform the Chhath Puja, the authorities have identified other area, namely, Torsha River Ghat, wherein the devotees can perform their Chhath Puja on November 15 and 16, 2026.

6. Learned counsel for the petitioners submits that the area identified by the authorities are far away from the Sagar Dighi Ghat and it is not possible for all the devotees who are performing the Chhath Puja in the Sagar Dighi Ghat to go to the said area for performing the Chhath Puja.

7. Heard the learned counsel for the respective parties. Perused the materials on record and the request made by the petitioners on November 11, 2026 for grant of permission to hold the Chhath Puja.

8. Admittedly there is an order passed by the NGT but the said order has already been taken into consideration by the Coordinate Bench of this Court while disposing of the writ petition being WPA 2352 of 2024. This Court finds that the petitioners in their application itself have given an undertaking that the petitioners shall abide by the directions of the NGT and ensure that no plastic, polythene or non-biodegradable materials will be used during the rituals and they will maintain the cleanliness and dispose of the waste in a proper manner.

9. Considering the above and due to the shortage of time as a special case, this Court directs the Sub-Divisional Officer, Coochbehar and the Superintendent of Police, Coochbehar to make necessary arrangements to allow the petitioners to perform their rituals of Chhath Puja on November 15, 2026 evening to November 16, 2026 morning at Sagar Dighi Ghat with the proper compliance of the order passed by the NGT dated May 13, 2022.

10. The petitioners are directed to comply with the order passed by the NGT and not to use any plastic, polythene or non-biodegradable materials during the time of performing the rituals of Chhath Puja at Sagar

Dighi Ghat. The petitioners are also directed to maintain cleanliness in the said area and to make necessary arrangements for proper waste of disposal of the said area.

11. Accordingly, WPA 3260 of 2026 is disposed of.

12. This order is passed only by considering that the rituals of Chhath Puja is to be performed on November 15, 2026 and there is no time making any further arrangement by the State Authorities in the mean time. Accordingly, this order shall not be treated as precedent.

13. This Court finds that time and again the petitioners are approaching before this Court for taking permission to perform their rituals of Chhath Puja in the Sagar Dighi Ghat. Accordingly, the State is directed that after the Chhath Puja of this year is over to make necessary arrangements for the devotees of the said area to perform the Chhath Puja in the next year, so that the petitioners should not again come to this Court for further permission.

14. As the Sub-Divisional Officer, Coochbehar is not a party in this writ petition, the petitioners are directed to add the Sub-Divisional Officer, Coochbehar as party respondent in course of the day.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)