

Present: Smt. Ratna Roy (J.O. Code - WB00914)
Additional District Judge, 1st Court, Serampore, Hooghly
Misc Appeal No. 76 of 2024
(C.N.R. No:- WBHG05-001960-2024)

Order No. 18 dated 23.04.2026

Today is fixed for hearing of the application under section 151 of C.P.C and the appeal.

Hazira is filed on behalf of the appellants.

A petition is filed on behalf of the respondents praying for adjournment as the Ld. Advocate for the respondents is currently engaged in election campaign.

Ld. Advocate for the appellants submitted that being busy in election campaign cannot be a ground for adjournment. He further submitted that the appellants have a bond of Rs. 1,00,000/-, as ordered by the Court, for staying the order no. 31 dated 27/09/2024, passed by the Ld. Civil Judge (Jr. Divn.), 2nd Court, Serampore in T.S no. 295 of 2022. The suit property is a public 'Debottor' property. The appellants are Hindu 'Bramhins'. Even though they have furnished a bond of Rs. 1,00,000/- as per direction of the Court but they are being restrained by the respondents from performing Puja at the Temple, so their application under application 151 of C.P.C for police help be taken up for hearing.

Considered submission of Ld. Advocate for the appellants.

Being engaged in election campaign cannot be a ground for adjournment. Hence, the adjournment prayer stands rejected and the application under section 151 of C.P.C, praying for police help that has been filed by the appellants is taken up for hearing.

Heard Ld. Advocate for the appellants over the application under section 151 of C.P.C. Perused the application.

On perusal I find that vide the application under section 151 of C.P.C, the appellants had prayed for police help for implementation of order no. 10 dated 16/07/2025 and order no. 11 dated 30/07/2025 passed by this Court. Vide order no. 10 this Court had allowed the application for stay in respect of the order no. 31 dated 27/09/2024, passed by the Ld. Civil Judge (Jr. Divn.), 2nd Court, Serampore in T.S no. 295 of 2022 and by order no. 11 dated 30/07/2025 the stay order i.e., order no. 10 dated 16/07/2025 of this Court has been extended.

As the order of the Ld. Civil Judge (Jr. Divn.), 2nd Court, Serampore, being

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order no. 31 dated 27/09/2024 has been stayed, the respondents cannot at present restrain the appellants from performing Puja at the Temple.

Though it is the allegation of the appellants that the respondents are not allowing them to perform Puja at the Temple and for that reason they have approached local police station but I find the appellants had not lodged any complaint in the regard of the fact that they are being restrained by the respondents from performing Puja at the Temple.

I thus do not find any ground to allow the prayer for police help.

The respondents are however directed not to restrain the appellants from performing Puja at the temple.

As it is the saying of the appellants that they only want to perform Puja at the temple, they will enter the temple only to perform the Puja of their own and will not stay at the temple for more than one hour each day. They will also not perform Puja for any other person acting as priest and will not accept any 'Pronami' or any remuneration from any person for performing Puja at the Temple.

The application under section 151 of C.P.C is thus disposed off.

Fix 20/05/2026 for hearing of the appeal.

Dictated & corrected by me.

SD/-

(Ratna Roy)
Additional District Judge,
1st Court, Serampore, Hooghly.

SD/-

(Ratna Roy)
Additional District Judge,
1st Court, Serampore, Hooghly.