

08.04.2026
Item Nos.25 & 26
Ct. No.1
KS

M.A.T. 481 of 2026
With
I.A. No. CAN 1 of 2026
Naba Kumar Maji & Ors.
Vs.
Ajoy Chakraborty & Ors.
+
M.A.T. 588 of 2026
With
I.A. No. CAN 1 of 2026
Naba Kumar Maji & Ors.
Vs.
The State of West Bengal & Ors.

Mr. M. A. Samad
Md. Sarawr Jahan
Mrs. Priyanka Sharma
Mr. Taher Ahamad
.....For the Appellants
Mr. Pantu Deb Roy, Ld. A.G.P.
Mr. Swapan Kumar Dutta, Ld. G.P.
Mr. Vivekananda Bose, Ld. Jr. Standing Counsel
Mr. Pannalal Bandopadhyay
Ms. Debolina Ghosh
.....For the State
Mr. Udayshankar Betal
Mr. Bhaskar Hutait
Mr. Mriganka Patra
.....For the Respondent Nos.5 to 10

Dictated by Sujoy Paul, CJ.:

1. Regard being had to the similitude of the questions involved, on the joint request of the parties, both the matters were heard

analogously and decided by this common order.

2. The subject-matter of challenge is the order dated 12.03.2026 passed in W.P.A. 6083 of 2026 whereby learned Single Judge has issued certain directions/observations and disposed of the petition.
3. At the outset, learned counsel for both sides fairly submitted that fair was scheduled to be organized between 17th March, 2026 to 24th March, 2026 and that period was over. The order of learned Single Judge shows that only permission to hold the fair was granted by impugned order with clear finding in paragraph 8 that this order will not be construed as an order deciding the right of the petitioners over the plot of land in question.
4. The appellants herein claim themselves to be owners of some of the portion of land in which mela was organized.

5. In connected petition W.P.A. 4955 of 2026, he prayed for issuing of Writ of Mandamus against the police authorities for registering a F.I.R.
6. In our opinion, no useful purpose would be served in interfering with the order dated 12.03.2026 passed in W.P.A. 6083 of 2026 for the simple reason that only direction was to permit the petitioners therein to conduct the mela. After mela is over, we find no reason to consider an academic question. In the event, any such permission for mela again prayed for, it will be open to the appellants to raise all possible objections in appropriate proceedings. So far the claim of the appellants regarding lodging of F.I.R. etc. is concerned, while deciding the W.P.A. 4955 of 2026 by order dated 17.03.2026, learned Single Judge made it clear that the petitioners are at liberty to approach the

jurisdictional Magistrate under Section 175 of the B.N.S.S., 2023.

7. In our opinion, the order of learned Single Judge is in consonance with the authoritative pronouncement of Hon'ble Supreme Court in several cases and this Bench has also followed the said *ratio decidendi*.

8. In this view of the matter, we find no reason to interfere in both the orders, however, liberty is reserved to the petitioners of W.P.A. 4955 of 2026 to file appropriate civil proceedings, if he wanted to claim any civil right and file appropriate criminal proceedings, if he is aggrieved by not lodging of F.I.R. or not conducting the investigation.

9. With the aforesaid observations, both the intra-Court appeals are disposed of.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the

parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)