

ADSL 1
16.07.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 15898 of 2026

Sankat Prosad Chowdhury & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.

Mr. Mritunjoy Chatterjee

Ms. Suchismita Chakraborty

...for the Petitioners.

Mr. Sahasrangshu Bhattacharjee, Ld. AGP

Mr. Arghya Chatterjee

...for the State.

Mr. Debarnab Adhikary

...for the Respondent No.7.

1. Supplementary affidavit filed in Court today be kept with the records.

2. The matter is being moved on urgent basis. Notice was directed to be issued to all the parties.

3. The petitioners claim to be the owners of a particular plot of land where the private respondents intend to organize Rathyatra and mela on account of Rathyatra.

4. The land in question where the Rathyatra and mela will be held is submitted to be the subject matter of a civil suit being OC No.21 of 1984 before the learned Civil Judge (Senior Division), Malda.

5. In an earlier writ petition being WPA 13133 of 2025 [Buddhadev Ghosh & Anr. Vs. The State of West Bengal & Ors.] filed by the private respondents the Court was pleased to pass an order on June 19, 2025 that the Court would not pass any order directing the State administration to grant permission to hold mela

over a private property, specially where there is an objection to the same.

6. At the time when the instant writ petition was affirmed, the permission to hold the Rathyatra and mela was allegedly awaiting.

7. The petitioners pray for an order restraining the respondent authorities from granting any permission to hold mela in the subject premises.

8. Be it recorded that the petitioners do not have any objection with regard to the Rathyatra festival being performed but performance of the mela is being objected to.

9. Today at the time of consideration of the writ petition, learned counsel appearing on behalf of the State respondents has produced before this Court a communication from the Sub Divisional Officer, Malda Sadar, Malda addressed to one Goutam Mandal, Secretary, Jalalpur Roth Samskar Committee Rathjatra Samiti, Jalalpur Roth Yatra Mela, Jalapur, Kaliachak, Malda giving permission for using mike/loudspeaker/boxes in connection with the procession of Rathyatra festival and Rath mela on and from July 16, 2026 to July 24, 2026.

10. The permission, however, is subject to fulfillment of certain conditions mentioned therein. One of the conditions is that proper permission is to be obtained from the land owners/venue owners.

11. As the land in question where the Rath mela is scheduled to be held is the subject matter of a civil suit, there is no question of obtaining any permission from the land owners/venue owners.

12. If the subject condition cannot be fulfilled by the Samity holding Rath mela, then the Sub Divisional Officer can always take steps to revoke the permission that has been allowed by the communication dated July 2, 2026.

13. As the private respondents are not represented in Court today, accordingly, the matter is directed to be listed tomorrow (i.e. July 17, 2026) under the heading 'Urgent Motion'.

14. The Sub Divisional Officer is directed to verify as to whether all the conditions mentioned in the permission dated July 2, 2026 have been fulfilled or not and whether proper permission from the land owners/venue owners has been obtained by the Samity for holding the Rath mela.

15. Let this order be communicated to the Samity members by the Sub Divisional Officer.

16. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)