

Ct.No.1 D/L 17.12.2025
Saikat 40
Mukherjee

WPA(P)/536/2025

**GOUTAM PAL & ORS.
VS.
UNION OF INDIA AND ORS.**

Mr. Triptimoy Talukder, Adv.
Mr. Aditya Chakraborty, Adv.
Mr. Abir Bhattacharya, Adv.
Mr. Dibyendu Ghosh, Adv.

...For the Petitioners

Mr. Sukanta Chakraborty, Adv.
Mr. Proloy Bhattacharya, Adv.

...For the Union of India

Mr. Jahar Lal De, A.G.P.
Mr. Shamim ul Bari, Adv.

...For the State

Mr. Anuran Samanta, Adv.
Mr. Arup Basak, Adv.

...For Respondent Nos.12,
13, 17 & 18

Per, Sujoy Paul, ACJ.

1. Affidavit-of-Service filed is taken on record.
2. Parties are represented through their respective counsel.
3. The petitioners have prayed for following reliefs:-
 - a. *“Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondent Authorities to immediately demolish the replica structure fraudulently being represented as the original ancestral house and birthplace of Shri Shri Bamakhyapa at Atla Village, District Birbhum;*
 - b. *Issue a Writ of and/or in the nature of Mandamus directing the Respondent Police Authorities to initiate strict criminal proceedings against all identified and unidentified miscreants indulging in extortion, cheating, impersonation, and harassment of devotees and tourists at Atla Village.*

- c. *Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondents for recovery of all monies illegally collected by the said miscreants from innocent devotees and tourists, and deposit of the same in a State-managed religious/cultural preservation fund;*
- d. *Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondents for immediate demarcation and notification of Daag No. 569, Khatian No. 1358, J.L. No. 58, Mouza Atla, P.O. Rampurhat, District Birbhum, West Bengal – 731233, i.e., the original ancestral house and birthplace of Shri Shri Bama Khyapa as a protected heritage/religious site;*
- e. *Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondents for installation of permanent signages, plaques, and public information boards at Atla Village, clarifying that of Daag No. 569, Khatian No. 1358, J.L. No. 58, Mouza Atla, P.O. Rampurhat, District Birbhum, West Bengal – 731233 is the authentic birthplace of Shri Shri Bama Khyapa and issue warnings against fraudulent structures;*
- f. *Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondents to prepare and implement a comprehensive scheme for conservation, maintenance, and promotion of the birthplace of Shri Shri Bama Khyapa as a pilgrimage and heritage tourism site;*
- g. *Issue a Writ of and/or in the nature of Mandamus directing the concerned Respondents to set up a permanent police outpost/security unit at Atla Village to ensure safety of devotees, pilgrims, and tourists;*
- h. *Rule nisi in terms of prayers above;*
- i. *An interim direction restraining the miscreants from projecting or representing the replica structure as the birthplace of Shri Shri Bama Khyapa and from collecting any money from pilgrims;*
- j. *Interim orders in terms of prayers as above;*
- k. *Ad-interim orders in terms of prayers as above;*

l. Pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

4. The principal relief claimed by petitioners shows that they are against a replica structure allegedly fraudulently raised by projecting it to be the place of abode of great famous saint Shri Bamakhyapa.
5. Despite repeated query from the Bench not a scrap of paper could be shown to suggest that any such replica structure was created which is being projected as original ancestral house and birth place of said great saint.
6. Shri Dey, learned Additional Government Pleader produced a report prepared by Inspector-in-Charge, Rampurhat Police Station which *prima facie* shows that there are number of persons who are claiming that birth place of said great saint is situated in their area.
7. In our opinion, these disputed questions of facts cannot be gone into in a PIL/WP.
8. The PIL is **disposed of** by reserving liberty to the parties to approach the appropriate court under the civil law for their grievance.
9. It is made clear that this court has not expressed any opinion on merits.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)