

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO. 27654 OF 2026

MADAN MOHAN KRISHTI PARISHAD AND ANOTHER
Vs.

THE STATE OF WEST BENGAL AND OTHERS
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BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

FOR THE PETITIONERS	: Mr. Indranil Roy, Sr. Adv. Mr. Imtiaz Ahamad, Adv. Ms. Tapati Sarkar, Adv.
FOR THE STATE	: Mr. Billwadal Bhattacharyya, AAG Mr. Sourav Sengupta, Adv. Mr. Argha Chatterjee, Adv.
FOR THE RESPONDENT NO.5	: Mr. Kaushik Gupta, Sr. Adv. Mr. Amarta Ghosh, Adv. Mr. Prasun Ghosh, Adv. Ms. Aradhita Banerjee, Adv.
FOR THE RESPONDENT NOS.6 & 7	: Mr. Sumit Kumar Roy, Adv. Ms. Irina Mollick, Adv.
HEARING CONCLUDED ON	: 01.10.2026
JUDGMENT ON	: 01.10.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of petitioners is taken on record.

2. Madan Mohan Krishti Parishad being a registered society (hereinafter referred to as “petitioner”) and its Secretary being petitioner no.2 have approached this Court, *inter alia*, seeking direction which would permit the petitioner to convene Durga Puja for the year 2026. Since precisely fortnight is left prior to commencement of this year’s Durga Puja, matter is taken up for consideration in view of urgency in presence of learned advocates representing petitioners, State respondents, respondent no.5 and respondent nos.6 & 7.
3. Petitioner is claiming to be in possession of the land in question on which Durga Puja is being organized by the petitioner for more than fifty years. It is submitted that in favour of predecessor-in-interest of respondent no.6 property in question was settled and respondent no.7 is the Power of Attorney holder on behalf of respondent no.6 and other co-owners.
4. Respondent no.5 is the Shebait of a Trust who has filed a Title Suit being no.531 of 2018 which is pending before the learned Civil Judge (Senior Division), 7th Court, Alipore, seeking a decree of eviction against petitioner.
5. Mr. Indranil Roy, learned Senior Advocate representing petitioners submits that respondent no.7 being the holder of Power of Attorney on behalf of respondent no.6 and other co-owners, has granted permission to the petitioner on 10th September, 2026 for holding Durga Puja in 2026 on the land in question. It is further submitted that other necessary permissions have been accorded on the designated portal by Calcutta Electric Supply Corporation, Fire & Emergency Services and Pollution Control Board. However, till date permission by the concerned police authority is not granted thereby compelling petitioners to approach this Court with the present writ petition.

6. In support of the case made out in this writ petition, reliance is placed on the order passed by a co-ordinate Bench on 6th February, 2024 on a writ petition being *WPA 25739 of 2023* filed by respondent no.5. Order passed by the Hon'ble Division Bench on 23rd September, 2024 on an intra-court appeal being *MAT 1801 of 2024* is also placed before this Court. Petitioner prays for direction upon the concerned police authority to accord permission in order to enable petitioner to convene Durga Puja on the land in question for the year 2026.
7. Writ petition is opposed by Mr. Kaushik Gupta, learned Senior Advocate representing respondent no.5. It is submitted on behalf of respondent no.5 that in the aforesaid pending suit, which is instituted by respondent no.5 being Sebait of a Trust, an ad interim order of injunction was passed by the Civil Court thereby directing the parties to the suit to maintain *status quo*. In addition thereto reliance is placed on the order passed by the Hon'ble Division Bench on 23rd September, 2024 in *MAT 1801 of 2024* preferred by the petitioners herein.
8. It is also submitted that respondent no.5 is having right over the land in question and devoid of permission of respondent no.5 petitioner is not authorized to convene Durga Puja on the said land for the year 2026. In support of such contention, order passed by this Court on 28th September, 2026 on a writ petition being *WPA 24981 of 2026* is relied upon. In addition thereto it is also contended that the issue involved in this writ petition is touching upon private dispute requiring petitioner to approach appropriate forum.
9. Mr. Billwadal Bhattacharyya, learned Additional Advocate General representing State respondents has filed a communication dated 30th September, 2026 of Officer-in-Charge, Haridevpur Police Station, Kolkata and same is taken on record.

10. It is disclosed in the said communication dated 30th September, 2026 that for the present year no permission is granted by respondent no.5 as yet. It is further disclosed that the property in question is in possession of respondent no.5 as well as petitioner.
11. Aforesaid suit is instituted by respondent no.5 and it emanates from the submissions made on behalf of petitioner and respondent no.5 that such suit is for eviction of petitioner. Pendency of eviction suit at the instance of respondent no.5 goes to show that petitioner is in possession of the property in question, if not whole, part of the suit property is under possession of the petitioner. If Court proceeds on the premise that there is an ad interim order of injunction thereby directing the parties to the suit to maintain *status quo*, though the order of the Civil Court is not on record, in that event, it ought not to be inferred that such order prevents petitioner from performing Durga Puja on the said land taking note of the fact that Durga Puja is being performed for more than fifty years.
12. This Court while considering the prayer of petitioner seeking direction upon the concerned police authority to grant permission to hold Durga Puja need not enter into the issue with regard to ownership of the property in question; that exercise needs to be carried out by the Civil Court in the event, Civil Court is approached by either of the parties.
13. It is true that Hon'ble Division Bench on 23rd September, 2024 passed an order containing an observation that if appellants being petitioners herein desire to take permission without prejudice to their rights and contentions, they may submit written request to the respondent no.5 being writ petitioner therein for consideration. But at the same time, Hon'ble Division Bench did not interfere with the order passed by the co-ordinate Bench on 6th February, 2024 on the writ petition being

WPA 25739 of 2023 filed by respondent no.5 herein. In the said order dated 6th February, 2024 it was observed by the co-ordinate Bench that order of *status quo* passed by the Civil Court in the pending suit would not preclude petitioner herein from performing Durga Puja at the premises taking note of the decision taken by another co-ordinate Bench in another writ petition being *WPA 8772 of 2020*.

14. Question would have been different if it could have been substantiated before this Court that respondent no.5 is having exclusive right over the land in question where petitioner is praying for performing Durga Puja for the present year; on the contrary institution of aforesaid eviction suit by respondent no.5 supports case of the petitioners that they are in possession of the property in question, if not wholly but partly.
15. Order passed by this Court on 28th September, 2026 in the writ petition being *WPA 24981 of 2026* also does not come in aid of respondent no.5 since therein Puja organizers were not permitted to convene Durga Puja in a common area of a G+3 storied building without permission of flat owners/ residents Association. In the present case, it is not demonstrated before this Court that respondent no.5 is having right, title and interest over the property in question.
16. Learned advocate representing respondent nos.6 and 7 has also drawn attention of this Court to the permission granted by respondent no.7 being the holder of Power of Attorney on behalf of respondent no.6 and other co-owners, on 10th September, 2026 to the petitioner for holding Durga Puja on the land in question for the present year which further fortifies case of the petitioner.
17. Before parting with, it needs to be recorded that it is disclosed in the communication dated 30th September, 2026 filed on behalf of

concerned police authority that respondent no.5 has also taken steps for convening Durga Puja for the year 2026 at the premises in question.

18. There might be rivalry between petitioner and respondent no.5 in convening Durga Puja but there is no denial of the fact that petitioner has been convening Durga Puja for the last fifty-six years at the said premises.
19. Since this is not an appropriate forum to decide right, title and interest of a party over the land in question, without making any observation in relation thereto, Deputy Commissioner of Police, South West Division, Kolkata being respondent no.3 and Officer-in-Charge, Haridevpur Police Station being respondent no.4 are directed to grant permission to petitioner for holding Durga Puja for the present year by 5th October, 2026.
20. Writ petition stands disposed of.
21. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)