

15.10.2026
02 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 29359 of 2026

JCS Impex Private Limited

-Versus -

The State of West Bengal & Ors.

Mr. Indranil Roy
Mr. Nirmalya Dasgupta
Mr. R.L. Mitra
Ms. Priyanka Dhar

....for the petitioner

Mr. Ajit Mishra, Ld. AGP
Ms. Suchitra Sinha Chatterjee

...for the State respondents

Mr. Subhankar Nag
Mr. Snehashis Sen
Mr. Abhishek Banerjee
Mr. Debdatta Mukhopadhyay

...for the respondent no. 5

1) Petitioner company has approached this Court with present writ petition praying for shifting of *puja pandal* erected by respondent nos. 6 to 8 which would facilitate movement of vehicles and provide access to establishment of petitioner company situated just beside *puja pandal*. In alternative, it is submitted by Mr. Roy, learned Senior Advocate representing petitioner company that an arrangement can be made for creating a tunnel like passage below the *puja pandal* which will facilitate movement of small cars.

2) In spite of service of notice by concerned police authorities in terms of order dated 14th October, 2026, respondent nos. 6 to 8 are not represented. Copies of notices served by police authorities bearing acknowledgements on behalf of respondent nos. 6 to 8 are placed before this Court and same are taken on record.

3) Mr. Nag, learned advocate representing Syama Prasad Mookherjee Port, Kolkata being respondent no. 5 on instruction submits that though application was made seeking permission to conduct *durga puja* on behalf of respondent nos. 6 to 8, such application is not turned down and at the same time no express permission is accorded.

4) State respondents are represented by Mr. Mishra, learned Additional Government Pleader who has opposed this writ petition on the count that *durga puja* is being organized for several years and on enquiry it is found that all arrangements for performing *durga puja* are made; therefore any order passed today on this writ petition would cause inconvenience to *puja* organizers to perform *durga puja*.

5) Concern is expressed on behalf of Petitioner company being lessee under aforesaid port authorities that if *puja pandal* is permitted to remain as it has been erected in present year, it will impact ingress and egress of persons associated with petitioner company and even small vehicles will not be permitted to ply.

6) It is also contended that on previous years *puja* was performed at the locale but there was no blocking of thirty feet wide road on which petitioner's establishment situates.

7) Considering submissions made on behalf of petitioner, it appears that thirty feet wide road is approachable from establishment of petitioner company and if vehicle turns towards *puja pandal* in that event it will not be able to move but turning on other side through thirty feet wide road will provide access to vehicles and pedestrians.

8) Since all arrangements are made as it appears from submissions made on behalf of State respondents, accepting submission made on behalf of petitioner company if direction is given upon private respondents for providing access to vehicles which will ply below the *puja pandal* that may eventually lead to a situation which will compel *puja* organizers to abandon *puja* since hardly one day is left to start *durga puja*.

9) Taking note of such difficulties which will arise in the event prayer of petitioner is allowed, concerned police authorities are directed to ensure dismantling of *puja pandal* within three days after *durga puja* and concerned police authorities are also directed to keep vigil at the locale so that no untoward incident takes place while persons associated with petitioner company use said thirty feet wide road on which petitioner's establishment situates.

10) However, it is made clear that this order is passed in special facts and circumstances which will not create precedence and this order shall not confer any right upon *puja* organizers being respondent nos. 6 to 8 to perform *durga puja* by erecting *pandal* from next year (2027) blocking entire thirty feet wide road.

11) It needs to be recorded herein that indisputably land in question is owned by respondent no. 5, therefore from next year (2027) *durga puja* will only be performed subject to permission granted by respondent no. 5.

12) Inspector-in-Charge of Shibpur Police Station is directed to communicate this order in course of this day to respondent nos. 6 to 8 for due compliance.

13) Learned advocate representing petitioner company is also directed to communicate gist of this order to private respondents without waiting for server copy of this order.

14) Writ petition stands disposed of.

15) Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)