

03
rkd 15.06.2026
Ct.05

W.P.A. 12308 of 2026

Mirpur Taifurian Committee & Imamabara Trust

-vs-

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Biswarup Chatterjee

....for the petitioner.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee,
Ms. Sumita Sarkar

....for the State.

Mr. Abhra Mukherjee,
Mr. Ibrahim Sheikh,
Mr. Souradip Dutta,
Mr. Arpayan Mukherjee,
Mr. Benazir Sheikh

....for the private respondents.

1. On behalf of the State respondent Mr. Das, learned Additional Government Pleader files a communication dated 15th June, 2026 of Inspector-in-Charge, Maheshtala Police Station and same is taken on record.
2. It is contended on behalf of the State respondents that if Tajia is prepared for indefinite period prior to Muharram in that event residents of the locale will find it difficult to perform last-rites of deceased persons at the Eidgah in question which would escalate tension among the local residents.
3. It is also submitted that preparation of Tajia is made for convening procession on Muharram day for which longer period is not required and direction may be passed upon the petitioner/

Muharram Organizers to prepare Taja for Muharram procession for a particular period every day which would commence seven days prior to Muharram scheduled on 26th June, 2026.

4. It is also submitted on the behalf of the State respondents that "No Objection" is not being granted apprehending local unrest. Therefore, prayer is made for streamlining the entire event in order to obviate local tension on the occasion of Muharram.
5. Learned advocate representing the respondent nos.7 to 12 submits that apart from Title Suit no. 441 of 2026 another Title Suit being no.769 of 2025 is pending and said suit is filed by the petitioner/Muharram Organizer.
6. However, learned advocate representing the petitioner/ Muharram Organizer submits that Title Suit no.769 of 2025 pertains to different schedule of land.
7. Today considering the submissions made on behalf of the parties, it appears that *ad interim* order dated 10th April, 2026 passed by the civil court in Title Suit No.441 of 2026 still subsists. Therefore, there is no impediment to organize Muharram by the petitioner/Muharram Organizer at the locale in question.
8. However, while considering the prayer of the

petitioner/Muharram Organizer Court needs to take into consideration submissions made on behalf of the State respondents in order to avoid untoward incident on the occasion of Muharram.

9. Inspector-in-Charge, Maheshtala Police Station being respondent no.6 is directed to grant “No Objection” to the petitioner/Muharram Organizer by 48 hours from date subject to compliance of following conditions:-

- i) Petitioner/Muharram Organizers shall prepare Tajia prior to Muharram day i.e. 26th June, 2026 for two hours every day i.e. from 7 AM to 9 AM which will commence on and from 20th June, 2026.
- ii) Preparation of Tajia by the Petitioner/Muharram Organizers shall not anyway disturb local residents to perform last-rite due to death of any person of the locality.
- iii) At the said Eidgah a place is to be demarcated by the Petitioner/Muharram Organizers where preparation of Tajia to be made.
- iv) Police authorities shall be at liberty to take necessary steps to maintain peace and tranquility specially on and from 20th June, 2026 till Muharram day i.e. 26th

June, 2026 and take all necessary steps to obviate untoward incident.

- v) Petitioner/Muharram Organizers are also directed to maintain peace and tranquility and names, mobile numbers and other particulars of ten volunteers shall be shared with the respondent no.6 by 48 hours from date by the petitioner/Muharram Organizers who will take initiative to organize Muharram peacefully.
- vi) After the Muharram on 26th June, 2026, Eidgah shall be cleaned by the Petitioner/Muharram Organizers within 24 hours thereafter.
- vii) Petitioner/Muharram Organizers shall convene procession for four (4) hours commencing from 2 PM and it will end at 6 PM in the evening.

10. Considering the order passed by the civil court dated 10th April, 2026 in Title Suit no. 441 of 2026 Petitioner/Muharram Organizers are permitted to convene Muharram procession with necessary preparations subject to aforesaid conditions.

11. With the aforesaid directions, writ petition stands disposed of.

12. However, this order is passed in special facts and

circumstances and it will not create any precedence.

13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)